

The Life and Works of Gilbert Stuart 1743-86:

A Social and Literary Study

by

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Abstract

This thesis comprises a study of the life and works of Gilbert Stuart (1743–86). In nine chapters it chronologically charts his varied career as an historian, literary reviewer, editor, pamphleteer, and political commentator. In doing so, it ventures to discern the meaning of his political and religious views, the significance of his historical and critical approach, and the nature of his character.

Stuart is known, if at all, for challenging some of the leading literary and political figures in Scotland: among them David Hume, Lord Monboddo, William Robertson, and Henry Dundas. He is regarded as a disappointed and dissipated hack writer who was motivated by personal animosity and financial gain. As a consequence, his writings have been rather hastily dismissed. No attempt is made to vindicate Stuart's character. It is intended, however, to look beyond dismissive remarks in order to discover the significance of his life and works.

An assessment of his output, placed in an appropriate context (intellectual, social, literary, and/or political), reveals a more detailed picture of the Scottish Enlightenment and of eighteenth-century culture generally. In a twenty-year career, Stuart wrote six historical works, over three hundred literary reviews, and a number of pamphlets and political articles. Some have been briefly noted for their perceptive remarks on subjects. More often they are cited for the severity of their attack on William Robertson, the Principal of the University and leader of the powerful Moderate Party of the Church of Scotland. From an account of his early years, Stuart might have been regarded as a

promising candidate for Robertson's inner circle of Scottish literati. He was the son of an Edinburgh University Professor, educated as a lawyer, and by his early twenties had written a well-received 'conjectural' work on English constitutional history. What Stuart wanted above all was the security and prestige of a professorship at the University. In the first part of his career as an independent writer, he worked towards this goal by supporting Robertson and his Moderate policies. In 1778 Stuart was denied the Professorship of Public Law. He attributed this failure to Robertson and consequently commenced an attack on him. On the one hand, this vituperativeness caused Stuart to undermine the scholarship and impartiality of his views. On the other, it resulted in stylistic and methodological innovations which entitle his writings to credit.

Acknowledgements &c.

Firstly, I would like to acknowledge the staff of the National Library of Scotland, Edinburgh University Library and other institutions whose resources contributed to this thesis.

Without the cooperation of certain private individuals, a great deal of material relating to Gilbert Stuart could not have been included. I therefore offer my thanks to the Duke of Atholl for granting me permission to consult and quote from the Archive at Blair Castle. My greatest debt is to Virginia Murray, the archivist at John Murray. This London house originally published Stuart's works and their founder was his close friend. They hold the largest and most useful collection of Stuart's correspondence. Every time I visited there some new letter by Stuart, series of letters to him, or original portrait seemed to appear. It is with John Murray's permission that material from the Archive is quoted in the following pages.

I would like to thank Nick Phillipson for allowing me to attend his seminar on the Scottish Enlightenment, and John Price and Jeffrey Smitten for their supportive interest in my work.

For constructive criticism and encouragement in the course of this project I am indebted to David Shuttleton and, above all, Mike Barfoot. I am also grateful to Anthony Newnham and Alan Rankin.

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Finally, I would like to thank Martin Adam for his encouragement and my parents, Henry and Judy Zachs, for their support and love. This work is dedicated to them.

I declare that the work in this thesis is entirely my own.

Notes and Abbreviations

Below are the abbreviations of works most frequently cited in the text and footnotes. Other obvious abbreviations occurring less often have been used but are not listed below. Page references to the work of Stuart under extended discussion in a given chapter are included parenthetically in the text. Full citations to footnote references are located in the Bibliography. Quotations from manuscript material are as found, except that the long 's' has been modernised.

STUART'S WORKS

- English Constitution *An Historical Dissertation concerning the Antiquity of the English Constitution.*
References are to the first edition (1768)
- View *A View of Society in Europe in its Progress From Rudeness to Refinement: or, Inquiries concerning the History of Law, Government and Manners.* References are to the second Scottish edition, 1792
- Observations *Observations concerning the Public Law, and the Constitutional History of Scotland; with Occasional Remarks concerning English Antiquity.*
References are to the first edition (1779)
- Reformation *The History of the Establishment of the Reformation of Religion in Scotland.* References are to the first edition (1780)
- History of Scotland *The History of Scotland from the Establishment of the Reformation, till the Death of Queen Mary.*
References are to the second edition, 2 vols. (1783-4)

OTHER WORKS

- Dalzel *History of the University of Edinburgh from its Foundations, 2 vols. (1862)*
- EB *Encyclopaedia Britannica.* Various editions.
- EM *European Magazine, or the London Review and Critical Journal*

<u>GM</u>	<i>Gentleman's Magazine: and Historical Chronicle</i>
Grant	<i>The Story of the University of Edinburgh During Its First Three Hundred Years</i> , 2 vols. (1884)
<u>Herald</u>	<i>The Political Herald, and Review; or, a Survey Of Domestic and Foreign Politcs; and a Critical Account of Political and Historical Publications</i>
<u>Hist. Parl.</u>	<i>History of Parliament: The House of Commons 1745-90</i> , 3 vols.. Edited by Sir Lewis Namier and John Brooks (London, 1964)
<u>Ranks</u>	John Millar's <i>Observations concerning the Distinction of Ranks</i> first edition; and the <i>Origin of the Distinctions of Ranks</i> , third edition (1779). References are to the second edition (1773), the edition Stuart used.
<u>Review</u>	<i>The Edinburgh Magazine and Review</i> , 5 vols.
Sher	<i>Church and University in the Scottish Enlightenment</i> (1985)
<u>SM</u>	<i>Scots Magazine</i>
<u>Smellie</u>	Robert Kerr's <i>Memoirs of the Life, Writings, and Correspondence of William Smellie</i> , 2 vols. (1811)
'View of Europe'	William Robertson's introductory volume to the <i>History of the Reign of the Emperor Charles V</i> . 'A View of the Progress of Society in Europe, From the Subversion of the Roman Empire, to the Beginning of the Sixteenth Century'

FREQUENTLY CITED MANUSCRIPTS AND LOCATIONS

G/1/904-44	Bodleian Library: MSS Disraeli Dep.. Stuart's letters to John Murray
BL	British Library
EUL	Edinburgh University Library
GUL	Glasgow University Library
MA	John Murray Archive
MC	John Murray's Copybook
NLS	National Library of Scotland
SRO	Scottish Record Office

Chapter 1

The Early Years: 1743–68

1.1. Introduction

Gilbert Stuart was a minor literary figure of the Scottish Enlightenment. He wrote historical works, reviews, and political commentary. Today he is known, if at all, as the vituperative editor of the Edinburgh Magazine and Review, where he attacked the third volume of Lord Monboddo's Origin of Language (1776) and refused to publish a review written by David Hume of Robert Henry's History of Great Britain (1774). For the latter, he won a place in Isaac D'Israeli's Calamities of Authors (1811). In an article entitled 'Literary Hatred: Exhibiting a Conspiracy against an Author', D'Israeli describes Stuart as a 'literary assassin' who 'derived the last consolations of life from an obscure corner of a Burton ale-house'.¹ Ernest Mossner reworked D'Israeli's account in a more scholarly manner but concludes that 'the conspiracy was even darker than D'Israeli dreamed of'. He refers to Stuart as a 'malevolent genius' who indisputably 'hated everything Scottish'.² Stuart's works, remarks D'Israeli, 'possess the show, without the solidity, of research'. Mossner reiterates this view of Stuart's 'brilliant though superficial genius'.³ Both men have exposed one dimension of Stuart's life and writings; but in doing so, other aspects are obscured, if not dismissed.

¹ D'Israeli, 131 and 139.

² 'Hume as Literary Patron', 373 and 366. See also the Life of Hume, 583–5.

³ D'Israeli, 138–9, Mossner, 365.

Stuart was in a class of writers who were well known in their day but have since been neglected. In Stuart's case, this neglect derived from rather unusual circumstances. He was held in such ill-repute by some of his contemporaries, that his works were rejected along with his vindictive character. Austin Allibone's comments, in a Critical Dictionary of English Literature (1870), typify (like those of D'Israeli and Mossner) the dismissive regard in which Stuart is held.

He has already been noticed, not much to his honour, in our article on Robert Henry, and more than most readers will care to know about such a sot, grumbler, scold and literary Ishmaelite will be found in the authorities cited below.⁴

Stuart may have been all these things. But to dismiss him in the first instance because of his unsavoury personality can only narrow an understanding of the man and his times. Boswell's remark about Stuart may serve as a useful point of reference: 'His bluntness did not please me, though his strong mind did'.⁵ In this study, Stuart's 'strong mind' and the works it produced are viewed together with his 'bluntness'. No attempt is made to vindicate his character. It is intended, however, to look beyond dismissive remarks in order to discover the significance of his life and works.

Stuart was not an original thinker of the calibre of David Hume or Adam Smith. His writings had no equal in either popularity or elegance to those of Hugh Blair or William Robertson. In a twenty-year career, he did however, write six historical works, over three hundred literary reviews, and a

⁴ Allibone, under 'Stuart'.

⁵ The Applause of the Jury, 305 (1 June 1785). Stuart was well acquainted with Boswell. But more important than the occasional reference to Stuart in the *Journal* is the similarity of the worlds they inhabited. Boswell's record provides an incomparable picture of Stuart's world.

number of pamphlets and political articles. Some have been briefly noted for their perceptive remarks on subjects ranging from the nature of feudal society to the character of Mary Queen of Scots. More often they are cited for the severity of their attack on Robertson.

As the Principal of Edinburgh University and leader of the Moderate Party of the Church of Scotland, Robertson established himself as one of the most influential figures in Scottish society. He was also, with Hume and Gibbon, among the leading historians of the day. In Gilbert Stuart, Robertson found 'the most acute and able of all his adversaries'.⁶ Stuart's literary productions from the last nine years of his life were aimed directly at undermining the reputation of the Principal. Initially, however, their relationship was one of respect and mutual benefit. Robertson acted as a mentor when Stuart began his literary career; and Stuart, as a periodical and newspaper writer, served the interests of the Moderates and their leader. But their association turned into one of literary controversy and personal antagonism. The source of this rift was Stuart's failure to obtain a professorship at the University. He attributed this disappointment to Robertson. The events leading up to this key episode, the affair itself, and Stuart's activities in its aftermath provide an important framework for this study.

Although the conflict with Robertson is crucial, it by no means provides a complete understanding of Stuart. Firstly, there were others whom he challenged, David Hume, Robert Henry, Lord Monboddo, and Henry Dundas among them. Secondly, Stuart did not always write in a controversial manner.

⁶ Dugald Stewart, Life of Robertson, 223.

He also made a positive contribution to the literary, historical, and political culture of the period. Therefore, his achievements as a whole require a thorough review and critical assessment.

Recent studies, particularly Richard Sher's Church and University in the Scottish Enlightenment (1985), have widened our understanding of the attitudes and activities of the Moderate literati and of the 'Whig-Presbyterian conservatism' they espoused.⁷ His book considers the lives and works of five important men who together helped to manage Edinburgh's religious, political, scientific, and literary establishments from the 1750s to the 1780s.⁸ Their success was hard-fought and wide-ranging. In the context of the Moderate hegemony, Stuart ultimately emerges as an anti-establishment figure who openly challenged the autocracy of Robertson and those in positions above, especially Henry Dundas.

Justification for this challenge was not difficult for Stuart to find, nor were supporters. There were other men loosely connected with Stuart in a secular opposition. Dr. John Brown, William Smellie, and the Earl of Buchan also confronted, in some manner, those who ran Scotland and its institutions. In the efforts of these men to redirect the progress of Scottish society, a hitherto missing dimension of Scotland's eighteenth-century culture becomes apparent. The Brunonian account of health and disease, Smellie's Encyclopaedia Britannica, and Buchan's Society of Antiquaries were among the projects of this circle of men with whom Stuart was associated.

⁷ Sher, 17-18 and 53-4 for definitions.

⁸ William Robertson, Adam Ferguson, John Home, Hugh Blair, and Alexander Carlyle.

During his youth in the 1750s and 1760s, Stuart witnessed the rise of the Moderate Party to political and religious power. His father, George Stuart, the Professor of Humanity (Latin) at the University, understood that it was through Robertson and those who controlled Scottish affairs that his family would obtain the benefits of a society predicated on patronage.⁹ Gilbert Stuart was brought up in the buildings of the Old College, in the company of the Edinburgh literati. Though he left Scotland at the age of twenty-five to make a career in London, he was never far removed from Scottish literary and political affairs. He often returned to his native city and wrote all ~~of~~ his major works there. But he never became part of the Edinburgh establishment. What was it about Stuart that kept him out of this circle? What compelled him, as a result, to enter into opposition against those who moved in that elite – world? Answers to these questions are found in Stuart's works, in his extant correspondence, and in the handful of contemporary and more recent references to him.

Biographical information and analyses of works are often intermixed in this study. This is because the purpose, style, and subject of Stuart's writings were, more than for many writers, the products of his varied experience. Chapter One contains an account of Stuart's early years in Edinburgh, and considers the formative role of his father in educating his son and planning his career. This is followed in the next chapter by a critique of Stuart's first work, the English Constitution (1768). Initially, basic points are made about the traditions in which he wrote and the ways in which he stood apart from his

⁹ He wrote two letters to Gilbert Elliot concerning Robertson's election to the University Principalship. 20 Feb. and 13 March 1762. NLS: Minto Papers. 11016, f. 13 and f. 15.

contemporaries. Afterwards, the work itself is reviewed in some detail and placed in a political context. Chapter Three surveys Stuart's diverse range of activities in the early part of his career as a reviewer, editor, translator, and biographer. It also contains an account of his unpublished history of the Isle of Man and short sections on his dissolute sexual and drinking habits.

In the following chapter (four), Stuart's most important periodical production, the Edinburgh Magazine and Review (1773-6), is discussed at length and general comments are offered about the nature of his journalistic approach. Chapter Five examines the View of Society (1778), and compares this major work with related writings of William Robertson and John Millar. The failure to become the Professor of Public Law at Edinburgh University, the most significant event of his life, is also considered in this chapter. From this time, Stuart sought directly to undermine the literary reputation and civic authority of Robertson. His next work, the Observations (1779), is notable for its attack on the Principal, but is best understood in the context of contemporary political events such as the popular movement against Catholic relief legislation and Scottish judicial reform. These are the subjects of Chapter Six.

Chapters Seven and Eight review Stuart's last two major historical works: the Reformation (1780) and the History of Scotland (1782). The latter, his account of the reign of Mary Queen of Scots, is given particular attention. Firstly, the Marian controversy in the eighteenth century is outlined; secondly, Stuart's History is reviewed, and finally, the work is placed in the context of contemporary Scottish events. The last chapter recounts the final years of Stuart's life, commenting on his activities as a reviewer and political commentator in London and concluding with an account of his death.

1.2. Family Background and the University of Edinburgh

Gilbert Stuart was born in Edinburgh on 9 December 1743. The majority of biographical accounts inaccurately record his birth sometime in the year 1742.¹⁰ The European Magazine alone (in an obituary article from October 1786) offered a more precise November 1745.¹¹ This date also is incorrect. However, the Old Parish Records of Edinburgh confirm that there was born

To M^r George Stuart Profesor of Humanity in the College of Edinb^r. & Jean Duncanson his Spouse a s[on] n[amed] Gilbert, W[itnessed by] Thomas & Walter Ruddiman both Printers in Edinburgh. The Child was Born on the 9th Instant & Baptised by the Rev^d Mr Patrick Cuming.

The men who witnessed this registration, were important figures in Scottish society. Thomas Ruddiman in particular was to exert a profound influence on the character of Stuart's writings. He was a cousin of George Stuart, and 'had lived long in intimacy' with him.¹² Ruddiman was the author of the most

¹⁰ GM., 56 (Aug.-Nov. 1786), 716, 905-6, and 994; the DNB, (XIX, 82-4) by W. P. Courtney; A Biographical Dictionary of Eminent Scotsmen, III, 417-20. The Scottish Nation, III, 539-40; the Encyclopaedia Perthensis (XXI) 499-500; the EB, 4th ed., XIX, 786; and 7th ed., XVII, 780-4 by David Irving. The EM article by William Thomson (Oct. 1786), 235-8, and the Public Advertiser obituary (possibly by John Murray) are the best contemporary accounts, and the basis of numerous others. See the British Biographical Archive. Kerr's Smellie, however, must be regarded as the best source for information on Stuart (I, 499-504 and II, 1-13).

¹¹ EM, 235-6.

¹² Chalmers, Life of Ruddiman, 289. When asked to supply information for Chalmers's biography, George Stuart stated that 'My grandmother was his aunt' and added that it was a connection 'both in blood and friendship' (Letter to Charles Stuart, a grandson of Thomas Ruddiman, 30 May 1791. NLS: Adv. MSS. 21. 1. 12. f. 66). George Stuart wrote a Latin inscription for a monument to Ruddiman at Lawrence Kirk. See Stuart's letter to Lord Gardenstone, 18 June 1790. NLS: Adv. MSS. 21. 1. 12. f. 18. Cuming, like Ruddiman, was a member of the pre-Moderate establishment. He was the ecclesiastical agent for the third Duke of Argyle (Robert Walpole's Scottish manager), many times Moderator of the General Assembly, and later the Professor of Ecclesiastical History at Edinburgh University (Sher, 46). Until the election of William Robertson to the Principalship in 1761, Cuming was a very influential figure in Scotland. He was, in fact, one of the candidates for the Principalship against Robertson. See J. Cater, 'The Making of Principal Robertson in 1762', 83. As a leader of the Popular Party of the Scottish Church, Sher describes Cuming as 'one of the Moderates' most bitter foes' (89 and 154). Twenty years later a similar oppositional label could have been affixed to Gilbert Stuart. Stuart wrote a short obituary of Cuming in the Review, V, 168.

popular Latin grammar book of the eighteenth century. He also edited the works of George Buchanan (1715), and was Keeper of the Advocates' Library before David Hume. To Stuart's generation he transmitted a tradition of Scottish scholarship which could be traced back to Archibald Pitcairne and George Buchanan. According to George Davie, Ruddiman's contribution 'consisted in reaffirming in contemporary and patriotic terms the Humanist ideal of the Renaissance'. Scottish Humanism, Davie went on to remark,

rested on a more universal basis than mere cultural patriotism. The distinguishing feature of its pedagogy consisted in fostering enthusiasm for the Latin poets as the supreme models of excellence, and in disciplining the uninhibited enthusiasm thus evoked by a deliberate study of the aesthetical and intellectual principles...in this poetry'.¹³

George Stuart ensured that these central aspects of the tradition were imparted to his son. As the Professor of Humanity and an associate of Ruddiman, he was clearly in a position to do so. This was both a national and family inheritance.

Ruddiman was a representative of the old antiquarian and controversial school of Scottish scholarship.¹⁴ His method became less popular when the dispassionate and philosophical trend in the historical writings of Hume and Robertson began to gain popularity in the 1750s and 60s.¹⁵ Gilbert Stuart thus found himself among a number of divergent traditions. This was not necessarily a source of confusion. It was an example of the influences

¹³ The Democratic Intellect, 223-4 and 228.

¹⁴ See Duncan, Thomas Ruddiman, especially the chapter 'Controversial History', 122-44.

¹⁵ The first volumes of Hume's History of England were published in 1754. Robertson's History of Scotland appeared in 1759. Ruddiman died in 1757.

under which any aspiring writer would have found himself. Under the direction of his father, Stuart's particular style of writing developed out of a familiarity with these traditions.

1.3. George Stuart: 1715-91

George Stuart and Jean Duncanson had three children besides Gilbert: Walter, Anne, and Mary.¹⁶ George was born in Banffshire in 1715, in the parish of Boyndie from whence his cousin Ruddiman originated. As a boy at the Banff grammar school, he showed academic promise. It is possible therefore that he attended one of the northern universities in the late 1720s or early 1730s, although there is no record of his name on class lists. By June 1736, he was employed by Sir Gilbert Elliot (Lord Minto of the Court of Session) as a tutor to his eldest son Gilbert (later third Baronet of Minto). It is not known how the connection between Stuart and the Elliots was originally established, but it is possible that Ruddiman may have suggested his younger cousin as a tutor.¹⁷

When the younger Elliot went to Edinburgh to attend the University, George Stuart left the Minto estate and was engaged by Lord Arniston (who

¹⁶ Anne married a surgeon from Musselburgh named Alexander Bruce. A biography of their eldest son, Gilbert Stuart Bruce, by Antonia Jefferson, is forthcoming. Descendants of this line of the Stuart family (named Bowen) now live in Cornwall. Unfortunately, they do not have Gilbert Stuart's papers though those of later generations are extant. Mary Stuart married George Duncan, Comptroller of the Stamp Office at Edinburgh. Walter died in 1772. I have found out little about Jean Duncanson.

¹⁷ The elder Elliot is perhaps best known for his plan for the New Town of Edinburgh. This was printed in the *SM*, 14 (Aug. 1752), 369-80. His son rose to political prominence in the early 1760s when the Earl of Bute was the Court manager of Scottish affairs. Afterwards, he was an advisor to George III. Gilbert Elliot was a close friend of David Hume, William Robertson, and many of the leading literary, religious, and political figures of the period. See *Parl. Hist.*, II, 390-4. A series of letters from George Stuart at Minto to the elder Elliot describe Stuart's varied activities as tutor to Elliot. 8, 14, and 21 June 1736. NLS: Minto Papers. 11004, ff. 26, 28, 30. A letter from Lady Minto to her husband from a later date, shows her a continued fondness towards George and his family. *Ibid.*, 11008, ff. 30-1, 18 Jan. [1764].

lived near Dalkeith) as a tutor to his son George. Unfortunately, this boy died while under Stuart's care. Arniston, in his grief, seems to have taken on a resentment towards him. The situation was worrisome, for in that age a poor scholar depended entirely on his social superiors for preferment.¹⁸

1.3.1. The Chair of Humanity

Shortly after this unfortunate incident, Stuart transferred from Dalkeith to Edinburgh where he was entered as a candidate for the Chair of Humanity (Latin) at Edinburgh University.¹⁹ Though he believed himself to be qualified for the post, he was concerned that Arniston might use his influence against him. Stuart therefore requested that Charles Mackie, the Professor of Universal Civil History, 'obviate any prejudice his L[ord]s[hi]p may have conceived against me'.²⁰ Stuart's fears were ultimately unfounded, for on 16 December 1741 he was appointed to the chair by the Edinburgh Town Council (the patrons of the University). This was largely due to the influence of Lord Minto and the support of Thomas Ruddiman. What better man to recommend Stuart to the post than Ruddiman, the author of the principal Latin grammar book? The event, Mackie explained to Lord Bolgonie, 'made a great deal of noise, as little things always do in a narrow Town'.²¹ A ballad was written (by Wallace of Calmhill) in the course of the contest, a few stanzas of which read:

¹⁸ Stuart to Charles Mackie, 22 Aug. 1739. EUL: La. II. f. 91.

¹⁹ It was vacated by the death of John Kerr. For a brief history of this chair, see Grant, II, 317-22 and D. B. Horn's typescript history of the University. EUL: MS Gen. 1824, Box 2. 'The Chair of Humanity'. For an account of the University at the time see SM, 3 (Aug. 1741), 371-4.

²⁰ 22 Aug. 1739. EUL: La. II. f. 91. Mackie was the first to hold this chair (from 1719 until 1765, though he retired in 1753). See Grant, I, 286 and II, 323.

²¹ 7 Jan. 1742. SRO: Leven and Melville Papers XIII, 615. A copy is in the EUL: Phot. 1143.

I sing of electors but not of a king,
 An Emperor, Pope, or any such thing.
 But of a Professor who now wears a gown
 In spite of the Ladys, in spite of y^e Town.

But what are y^e Ladys & what is the Town?
 The Baillies are up & y^e Provost is down,
 The College Professors have got their [_____]
 A Brother y^t won't put y^e rest to the blush.

First M[int]o steps forth so stately & staunch,
 So proud of y^e praise of surprising the Bench....²²

The appointment of Stuart over his opponent Mr. Foulis (of Colinton) clarifies, as the ballad suggests, the importance of patronage in gaining public appointments during the eighteenth century. Dr. Johnson's rather cynical definition of a patron, 'one who countenances, supports, or protects. Commonly a wretch, who supports with insolence, and is paid with flattery', makes clear the respective roles of the patron and preferred.²³ Johnson's view of patronage is substantiated by the letters of George and Gilbert Stuart to their various patrons.

The lives of the Stuarts can be seen in terms of the degree of success which attended their efforts to gain the interest of their superiors. George, despite his complaints to the contrary, attained a moderate level of social status and financial security through the patronage of Ruddiman and the Minto family. Persistent, calculating and above all good-willed, he in his turn employed what influence and information he had to the advantage of his

²² Ibid.. For further accounts of the election see Edinburgh Town Council Minutes, vol. 62, ff. 228-233; Dalzel, II, 370-1.

²³ Dictionary of the English Language.

patrons. Around election time particularly, Stuart relayed information to Elliot, and in one instance assured him that 'everything relating to your re-election [as MP for Selkirkshire] will be taken care of'.²⁴ Three, if not four, generations of Stuarts found 'natural patrons'.²⁵ The fact the George Stuart owned land near Selkirk and may have been eligible to cast a so-called 'fictitious' vote for the Elliot interest is perhaps one reason why this family concerned themselves with the affairs of the Stuarts.²⁶

In 1772 George sold his country estate at Middlemilne (or Midlem) to Gilbert Elliot. With the funds from this sale, he purchased property at Fisherrow, near Musselburgh, where he retired in 1775. Upon this sale, he wrote to Elliot that 'it gives me infinite satisfaction that it is to fall into your hands.... Whatever he who is your own man of business thinks a reasonable price, I most heartily agree to'.²⁷ Here was George Stuart in an uncharacteristic moment of fiscal generosity. More often he was a prudent and parsimonious manager of his funds. He often complained of having little, but when he died in 1793, he left an estate of over £2000 carefully divided among his grandchildren.²⁸ Though financially comfortable in his last years he was embittered by the fact that he had survived not only his wife but all of his four children, including his favourite Gibbie.

²⁴ 27 January 1756. NLS: Minto Papers, 11008, f. 24

²⁵ William Robertson referred to the Elliot family as Stuart's 'natural patron' in a letter to David Hume, NLS: 3942, ff. 75-6. The letter is reprinted in 'William Robertson and David Hume: Three Letters', eds. Sher and Stewart, 76-7.

²⁶ 'Fictitious' votes are discussed in Chapter 9.

²⁷ 20 Oct. 1772. NLS: Minto Papers, 110019, f. 49. That Stuart did have a vote is suggested by his comment: 'tis a purchase which...enlarges your property where it ought to be, & will yield you more than legal interest'.

²⁸ See SRO: RD/14/23, f. 1327 dated 26 June 1793 and f. 1332, dated 19 June 1792.

George Stuart's strong sense of feudal propriety was not so well developed in his son. Like his father, Gilbert too could be patient and obsequious; but in the end he did not obtain the preferment he sought from his superiors, either in the form of a university chair or a governmental sinecure. When the Elliot's interest proved ineffectual, other patrons were enlisted including David Hume, Lord Mansfield, the Duke of Atholl, Laurence Dundas, Lord North, Lord Hailes, and the Earl of Buchan. But none brought Stuart the financial security which his father and indeed the next generation of Stuarts found in the Elliots.

The salary of the Humanity professor, collected by subscription from each student, rarely amounted to more than £40 per annum, a sum barely sufficient to maintain a family of six.²⁹ University Matriculation Rolls from 1744 to 1775 indicate that the Humanity Class was nearly as well subscribed as the other compulsory Arts classes at the University.³⁰ But many University chairs had substantial governmental salaries attached to them; the Humanity Chair did not.

Most of those young men who received a traditional education at Edinburgh University, attended Stuart's lectures. James Boswell and Henry Dundas were most notable among his students. Gilbert Stuart is listed in his father's class roll for the years 1757 and 1758. In this last year his classmates included Henry Mackenzie, author of the Man of Feeling, and Robert Liston, the

²⁹ In status and salary only the Chair of Hebrew was beneath that of Humanity.

³⁰ The average class was about twenty-eight students.

diplomat.³¹

By the time the young men (usually aged fourteen to sixteen) entered George Stuart's higher-level Humanity Class, they possessed a thorough knowledge of the Latin language. John Ramsay of Ochertyre offered this account of George Stuart:

It was the Professors [sic] great object to make them [his students] acquainted with the beauties of the writers of the Augustan Age. In short, he wished rather to improve their taste than to play the part of a schoolmaster. Nor was that all. Being a great admirer of the great English authors, and a good critic in matters of composition, he was at pains to recommend in conversation the studies of them to his young friends, who were numerous and respectable.³²

The introduction of belles lettres, that 'quintessentially polite discipline', into the Humanity Class was indicative of the general improvement in education at Edinburgh University as it rose to prominence in the mid-eighteenth century.³³ Stuart 'was particularly successful in explaining the Roman antiquities to the higher classes of his students'.³⁴ He published an outline of his course under the title Heads of Lectures for the Use of the Highest Class of Students in Humanity in the University of Edinburgh (1780).³⁵ This was his only publication. The majority of his scholarly hours ~~were~~^{as} spend compiling a Latin dictionary

³¹ Mackenzie confirmed this in Anecdotes and Egoisms, 174. The name of James Boswell is recorded for the years 1754-5. Walter Stuart, the brother of Gilbert, is listed in 1760-61. EU Matriculation Record.

³² Scotland and Scotsmen in the Eighteenth Century, I, 330-1.

³³ Phillipson, 'Culture and Society', 438.

³⁴ From his obituary in the GM, 56 (July 1793), 672.

³⁵ The three main divisions of the Lectures were Roman History and Antiquities, Roman Literature, and Latin Grammar.

which was not published partly because Stuart demanded too high a price.³⁶

1.3.2. University Librarian and Tutor to 'Gentlemen's Sons'

Through the influence of the Duke of Atholl, George Stuart was appointed by the Town Council to the the post of University Librarian in 1747 (in addition to his professorial duties). When Gilbert reached a responsible age, he was employed as an assistant.³⁷ Initially, the library was in a very disordered state. To improve the use made of the collection, George Stuart was presented with the task of compiling two catalogues (one alphabetical, another of the presses). By most accounts (with the exception of Stuart's own) he did little to put the library in better order. By the spring of 1748, however, Stuart apparently had produced the catalogues, 'to the great expence of his health'.³⁸ In recompense for this service and those he would continue to perform, he applied to the Town Council for chambers in the Old College buildings

to be fitted up at his own expence both for the conveniency of their service as Library Keeper and to enable him to be more extensively useful as he proposed to employ it for the benefit of Education in accommodating Gentlemen's Sons who were sent

³⁶ George Stuart to Charles Stuart, 16 June 1792 and 19 June 1792. NLS: Adv. MSS. 21. 1. 12, ff. 91 and 92. But see also f. 101 and 116.

³⁷ In 1764 [?] Lady Minto wrote that 'Gibie lost his place by the Duke of Athole's Death & some other person is College librie [sic] keeper which M^r Stuart once was'. NLS: Minto Papers. 11008. ff. 30-1.

³⁸ A letter from Principal Robertson to the Lord Provost (22 Dec. 1762) announced Stuart's intention to retire. Edinburgh Town Council Archive: Bundle 12, Shelf 36, Bay C. He was replaced by James Robertson, the Hebrew Professor, who completed the catalogues. See Cater, 'James Robertson 1720-1795', 219 and 239. Cater remarks that 'George Stuart characteristically gave nothing at all to the library' (233); Dalzel, I, 272 and II, 419; 'An account of the Late Duke Gordon, M.A., including Anecdotes of the University of Edinburgh', *SM*, 64 (Jan. 1802), 23-6; and Edinburgh Town Council Archive: VII, 72, Bundle 202, No. 7315. Stuart's brother Alexander, later minister of the West Kirk in Edinburgh, assisted him in these duties. George Stuart was also Secretary of the University Senatus Academicus. His neat upright hand recorded the minutes from 12 Nov. 1744 until 10 March 1763.

into the university.³⁹

Stuart also gave private tuition to these young men. Among the most notable to reside with the Stuart family were the sons of his former charge Gilbert Elliot, Gilbert and Hugh.⁴⁰ The letters of George Stuart to Elliot and of the sons to their parents offer an informative picture of daily student life in Edinburgh University in the 1760s.⁴¹

1.4. Gilbert Stuart's Education

Such duties limited George Stuart's attendance to the needs of his own children. It is clear, however, that Gilbert was not entirely neglected. His education was overseen by a caring father (with the advice of Thomas Ruddiman). It was a classical Scottish training much like that received by the 'Gentlemen's Sons' who lived with the family.

In his youth Stuart is said to have been 'remarkable for dullness and an apparent want of comprehension'.⁴² Some sources have seen this

³⁹ Stuart paid ten guineas per annum for the rooms. Edinburgh Town Council Minutes: Vol. 67, ff. 115-18 for 9 March 1748. The rooms were on the east side of the upper College, N^os. 26-31. (Stuart already occupied Room 26.) Dalziel, II, 420. Matthew Stewart, the Professor of Mathematics, obtained rooms on the same day.

⁴⁰ George Stuart had been instrumental in arranging for Robert Liston to be tutor to the Elliot boys at Minto prior to their attendance at the University. Together with David Hume he offered advice about the education of these young men. Gilbert (1751-1814), later 1st Earl of Minto, became Governor-General of India. He was the patron of Gilbert Stuart's nephews Gilbert Stuart Bruce and George Bruce. Hugh (1752-1830) had a distinguished military career. See the Life and Letters of Sir Gilbert Elliot, the DNB, and Parl. Hist., II, 394-5.

⁴¹ Shortly after the brothers' arrival, Gilbert Elliot wrote this report to his parents: 'We are perfectly pleased with our Rooms. they are very neat & have both a fire place, Our eating is better than we could have expected.... We have to read one hower [sic] latin with the professor in private, one hower in his Class & to have one hower preparation.... I shall go to [Adam] Ferguson's class tomorrow'. Hugh wrote: 'Mr and M^{rs} Stewart pay great attention to us.... I am so sleepy that I can hardly hold my Pen'. 28 Oct. and 29 Oct. 1766. NLS: Minto Papers. 11008, f. 281 and 282.

⁴² EM, Oct 1786, 236.

characteristic as a response to the pressure which a strict father placed upon a rebellious son. Others affirm that 'his father alone was the first who discovered the strength and solidity of his understanding...and prophesied, that his son would one day rise to considerable eminence'.⁴³

At an early age, Gilbert was enrolled at the grammar school of James Mundell in the West Bow, the same school which Boswell attended a few years before.⁴⁴ He studied French and Italian under the direction of Mr. Murdoch, and then attended the popular Edinburgh High School.⁴⁵ Afterwards he enrolled in classes at the University. In addition to his father's class, he is listed in Adam Ferguson's Moral Philosophy class for 1764 and William Wallace's Municipal Law class for 1766. As he lived in the College itself, and was known to the professors, it is possible that he attended others as well.⁴⁶

In Edinburgh at the time there were many of what might be called 'extramural' educational opportunities on offer. One is of particular interest. In the summer of 1761, Stuart may have attended the popular course of lectures by the actor Thomas Sheridan on 'Elocution and on the English Tongue'. Stuart's preoccupation with correct written English suggests that the experience of Sheridan's lectures, or the reading of their published version,

⁴³ The first view is found in Harold Thompson, a Scottish Man of Feeling, 342; the latter in the EM, 235-6.

⁴⁴ Boswell referred to the annual dinners for 'Mundell Scholars' which Stuart may also have attended. Applause of the Jury, 53 (18 Jan. 1783).

⁴⁵ EM, 235. John Murdoch taught at Carrubber's Close. See his advertisement in the Caledonian Mercury, 27 Oct. 1737 and the Courant 31 July 1756. Stuart's proficiency in French is attested to by the translations he prepared of French publications. See Chapter 3.

⁴⁶ EU Matriculation Record. It is also probable that he heard Blair's lectures on rhetoric and belles lettres.

influenced him as it did many Scots of the day.⁴⁷

1.4.1. Future Prospects for Father and Son

The prospect of educating the future leaders of the British Empire did not entirely resign George Stuart to his situation at the College. New schemes of improvement were a constant source of hope. To Gilbert Elliot he thus wrote on 6 October 1757:

You are well acquainted w^t my situation & fondness of exchanging business. My whole dependence is upon you.... In order to be free of my present drudgery I would not confine my views entirely to a College Life but cheerfully embrace any business which I had capacity to execute, either here or elsewhere.⁴⁸

Whenever a position opened which Stuart believed might be obtained with Elliot's influence, a letter was written on that account. As his sons, Gilbert and Walter, grew to manhood they too were included in these schemes of employment. One was the publishing of a thrice weekly newspaper called the Edinburgh Advertiser. The intention of this work was to promote government policy (that is, of the Earl of Bute) and provide the Stuarts, as proprietors, with a regular income.⁴⁹ But like many hopeful projects, this did not materialise.

Sometimes Stuart's unremitting efforts put stress on his friendship

⁴⁷ An account is given in SM, 23, (July 1761), 389–90. It is unlikely that Stuart was old enough to have attended Adam Smith's public lectures on jurisprudence given in Edinburgh between 1748–51. Nevertheless, many important ideas in these lectures found their way into his writings. See the introduction to the Lectures, 1–4 and Forbes, "'Scientific' Whiggism", 644.

⁴⁸ NLS: Minto Papers. 11014, f.73.

⁴⁹ NLS: Minto Papers. 11016, f. 34, 1762. Stuart's Memorial for the newspaper requested that he be granted a royal patent for the privilege of serving the paper to post towns and royal boroughs by which a regular subscription would be guaranteed.

with Elliot. In one instance, he wrote apologetically to his patron that 'My concern about settling my son [Gilbert] made me write perhaps with too much heat for which I humbly ask pardon'.⁵⁰ In a letter from John Mackenzie of Delvine to Elliot, concerning yet another position, the former revealed the benevolent yet cautious attitude in which he regarded George Stuart.

The Keeper of our [the Court of Session] minute book taiks [sic] £100 per annum.... George thinks his son qualified for the task. So do I. But have begd him not to be surprised if Sir Alex Gilmour...thinks this of right...belonging to his Department. The professor imagines you can overcome all obstacles & I shall be very Glad that it prove so.⁵¹

George Stuart's next plan was to prepare Gilbert for a legal career. To this end, he obtained an apprenticeship for his sixteen-year-old son at the law office of John Mackenzie in the Horse Wynd. Henry Mackenzie was also a legal apprentice in the same place. In Anecdotes and Egoisms, he offered this rather unfavourable account of Stuart:

Mr. Mackenzie, with true Scots hospitality, had every morning breakfast for his apprentices...but Gilbert sat up too late, and drank too much to be often there.... My friend [Robert] Blair...allowed Gilbert's seeming stupidity, but thought it was put on...to change his father's design of making a lawyer of him. Blair mentioned a strange misnomer by Gilbert when Mr. Blair was shewing the College library to some strangers; Gilbert called the system of Copernicus the system of Capricorn.⁵²

⁵⁰ Ibid., f. 39. 24 July 1762.

⁵¹ Ibid., 11008, f. 283. 21 December 1766.

⁵² Anecdotes, Thompson, ed., 174. The Mackenzies of Delvine, another patron of the Stuart family, were a prominent legal family in Scotland. They served as legal agents to the Duke of Atholl and in some lesser capacity to the Elliots of Minto. The Mackenzie Papers, including letters from George and Gilbert Stuart, are in the NLS.

Did Stuart, at this young age, turn to drink to escape the drudgery of the law? Or was Mackenzie somewhat premature in his description of Stuart's intemperance? The Encyclopaedia Perthensis wrote of his short career as a lawyer: 'For that profession he has been represented as unqualified by indolence; by a passion which at a very early period he displayed for general literature; or by boundless dissipation'.⁵³ Probably it was the combination of the three which turned him from a legal career. In an article written by Stuart in the Monthly, he explained more clearly why this profession would not have proved intellectually satisfying, though it might have given him financial security and social standing.

The memory of the lawyer is perpetually and fully employed, but he is rarely induced to exercise judgement.... To comprehend the spirit of laws is no object of his care.... In one word, the branch of knowledge which he ventures to profess, he has not studied as a science. The law, in this capacity, cannot fail of giving disgust and inquietude to the student.... He labours, but without pleasure; and in the sordid prospect of future gain, he alone can find a consolation for the fatigue he suffers.⁵⁴

Towards the end of 1766, Stuart completed his apprenticeship at Mackenzie's law office. As his retrospective comments indicate, it was tedious work which did not appeal to him. All the litigation of the Outer Court (the court of first instance) was written down—a task assigned to the apprentice. Such a system led Boswell to comment that 'ours is a court of papers. We are never seriously engaged but when we write'.⁵⁵ Where Boswell submitted to paternal influence and became an advocate, Stuart convinced his father that he could succeed in

⁵³ Vol. XXI, 499.

⁵⁴ Monthly, 47 (Nov. 1772) 361–2.

⁵⁵ The Ominous Years, 228.

another sphere where 'the law, when traced historically from its earliest condition to its more cultivated state, becomes a rational occupation'.⁵⁶

As a young man, he was surrounded by the growing fame of Edinburgh as a literary centre. He was a witness to the financial successes of Hume, Robertson, and Blair. He was intrigued by that blend of history, law, and philosophy in the writings of Montesquieu, Kames, Smith, and Ferguson. The writings of Lafitau, Charlevoix, and Adair brought before him the manners of primitive societies in America. Seventeenth-century antiquaries instilled in him the complexity and dignity of Scottish and English jurisprudence. Classical writers imparted to him a sense of the value and permanence of literature. On the one hand, he was intimidated; yet inherently ambitious, he was encouraged to test his capacity as an author.

In the course of his legal training in Mackenzie's office, Stuart began to study and write. Even if he did retire to the taverns of Edinburgh to forget the drudgery of his apprenticeship, it is clear that he also repaired to the University Library to pursue a systematic study of the law. Stuart's obituary in the Public Advertiser (later The Times) referred to this early ardour for legal study.

To Voet and Vinnius he applied as to a necessary useful task; but to Montesquieu and Hume his mind turned spontaneously, with the glow of enthusiasm, and the congeniality of taste.⁵⁷

As a one-time assistant in the Library, Stuart was familiar with the collection,

⁵⁶ Monthly, 47 (Nov. 1772), 361-2.

⁵⁷ 2 Sept. 1786. This piece may have been written by John Murray, Stuart's close friend and the publisher of a number of his works.

and the proximity of his home in the Old College made access easy. His extensive borrowing is recorded in the Library's register. Most readers were required to leave a substantial deposit on books and to return them within a fortnight. But Stuart, retaining the privileged borrowing rights of a former assistant, merely marked the register 'to be returned on demand'. The books he borrowed include Montesquieu's Works, Machiavelli's Works, Rapin's History of England, Aristotle's Politics, Hume's History of England, Macqueen's Letters on Mr Hume's History, Kaempfer's History of Japan, and numerous others.⁵⁸

By November 1767, Stuart had organised his reading into a finished essay. To Gilbert Elliot his proud and hopeful father wrote that 'the work has been in the hands of some of our people here, Robertson, Ferguson &c. & is highly approved. As it is a first production & first edition, would a dedication [to Elliot] be thought presuming?'⁵⁹ Apparently Elliot thought it was, as neither a dedication nor even the author's name appeared in the first edition. In June 1768, the work was published under the title An Historical Dissertation concerning the Antiquity of the English Constitution. Many first-time authors published anonymously. Hume may have been Stuart's model in this regard.⁶⁰

The English Constitution was on the booksellers' shelves and the reception encouraging, but still there was no prospect of employment. George Stuart described his son in a letter to Elliot as 'a young man of the greatest

⁵⁸ EUL: Da. 2. 8-10, Student Borrowing Books; For borrowing from later years see, Da.1.34, Library Receipt Book and La. II. 247.

⁵⁹ 23 Nov. 1767. NLS: Minto Papers. 11012, ff. 91-2.

⁶⁰ The work was first noticed in the SM, 30 (June 1768), 316, priced at five shillings.

parts pining away in misery that he has nothing to do.⁶¹ Characteristic patterns in Stuart's personality were already discernable. Periods of happiness and of vigorous study were followed by despondency and excessive drinking. Such polarity of emotion is also apparent in his writings. A description of Stuart printed in 1782 elucidates this distinctive aspect of his character.

His countenance is modest and expressive; sometimes glowing with sentiments of friendship, of which he is very susceptible, and at others darting that satire and indignation at folly and vice which appear in some of his writings.⁶²

Stuart felt these emotional extremes more sensibly than most. At one moment he made judgements with philosophical calm; at another he caustically challenged those writers with whom he disagreed.

1.4.2. The Chair of Public Law

During a visit to the Minto Estate around this time, George Stuart put forward another suggestion for Gilbert's future. Might he not succeed to the Chair of Public Law and the Law of Nature and Nations at the University?⁶³ The current professor was Robert Bruce. Although the post was under the patronage of the Lord Advocate, it was bought and sold at the discretion of the present holder. The purchase price, at £1200, was expensive to say the least. But the guaranteed annual salary of £300 was substantial, so that in a number of years the cost of the chair could be repaid.

⁶¹ 15 Jan. 1767. NLS: Minto Papers. 11012, ff. 86-7.

⁶² *EM*, I, (Feb. 1782), 128.

⁶³ This chair was created in 1707 and was 'more richly endowed than any other in the University'. In 1758 Hume suggested to Adam Smith that he purchase the chair, but this was not carried through. Grant, II, 314.

After a preliminary inquiry, George Stuart wrote to Elliot on the prospect of the appointment, referring particularly to his son's recent publication:

'Tis a genteel study & to which I would instantly direct his attention. As for his capacity I shall obtain a letter to you from the Principal [William Robertson] who says that he will get great honour by his present work [the English Constitution]. If you cou'd procure the reversion of this, it can do no sort of harm to the present incumbent & and will train up one fit for properly discharging the office.⁶⁴

Stuart told Elliot that he would send Gilbert abroad, to Leyden or Utrecht, to better prepare him for the post and indicated that he would advance his patrimony to defray the purchase price. Reflecting on his own position, he added pleadingly: 'You was so good as to write to me often that tho' you found it difficult to alter my situation in life, that you would take care of my sone [sic], that's all I ask; 'tis all I live for, 'tis all I wish'.⁶⁵ This was a plea from the paternal heart. George Stuart knew that opportunities in Edinburgh were few and that, like so many hopeful young Scotsmen, his son would look to London for better prospects. Robertson, friendly to the Stuart interest, was put forward as a referee on Gilbert's behalf. In typical fashion, however, the letter included two other employment possibilities should the Public Law Chair fail to materialise.

Once again, George Stuart was unable to win a place in the Edinburgh establishment for his son. Perhaps Elliot was not willing to employ his interest to such an extent. Perhaps it was not in his power to obtain the post. Or

⁶⁴ 15 Jan. 1767. NLS: Minto Papers. 11012, ff. 86- 7.

⁶⁵ Ibid..

perhaps the true sentiments and influence of Robertson and other Moderates was such that another candidate, James Balfour of Pilrig, was ultimately appointed. In a letter to David Hume (then in Paris) Hugh Blair explained the circumstances behind the Public Law Chair. It was a view from the inside.

In our College we are making a great improvement. In consequence of a bargain made with James Russell, [Robert] Bruce, the Professor of the Law of Nations and Nature, goes out, Balfour of Pilrig moves into his place, Ferguson into the Chair of Moral Philosophy, and Russell into that of Natural [Philosophy]. Is not this clever?⁶⁶

It was perhaps overly ambitious for George Stuart to expect that his twenty-four-year-old son should obtain the highest paid professorship in the University. Yet the power of patronage was such that this prospect was not totally unrealistic were Elliot willing to support the nomination. Ten years later, when Balfour was appointed to the Chair of Moral Philosophy, Gilbert Stuart again sought the Law Chair but was similarly unsuccessful.⁶⁷

The only form of preference that could be extracted from the University was an honorary Doctor of Laws Degree.⁶⁸ Clearly, Stuart's work on the English Constitution had earned him this honour. But with the fee of twelve guineas such a degree was easily obtained for the son of a professor. It was a title by which Stuart subsequently referred to himself and which he first affixed to the second edition of the English Constitution in 1770. This work, written in the 'conjectural' manner popularised by Scottish writers, is the subject of the following chapter.

⁶⁶ Quoted in Grant, II, 315.

⁶⁷ See Chapter 5.

⁶⁸ EU Senatus Minutes for 16 Nov. 1768.

Chapter 2

The English Constitution: Background and Review

2.1. Conjectural History

Under the general eighteenth-century heading of 'philosophical history' were two genres: conjectural history and narrative history. Dugald Stewart first introduced the phrase 'theoretical or conjectural history' to describe Adam Smith's Dissertation on the Origin of Language. This type of inquiry attempted to answer the question 'by what gradual steps the transition has been made from the first simple efforts of uncultivated nature, to a state of things so wonderfully artificial and complicated'.¹ Under Stewart's definition were included some well known works produced in Scotland in the mid-eighteenth century: Hume's Natural History of Religion, Ferguson's Civil Society, Kames's Sketches of Man, Monboddo's Origin of Language, and Millar's Ranks. In many cases, the conjectural/narrative division was not categoric; writers combined both historiographic methods in their works.²

Narrative history looks more to the sequence of past events in man's history rather than to the history of man itself. The reigns of kings and the formative periods of a nation's history are the typical subjects of these works. The point, however, was not merely to present a chronicle, or annal of events, but to relate these events to other periods and thus to discover in them

¹ Stewart, Life of Smith, 292-3.

² Robertson's History of America (1777) is such an example.

general principles of historical change. Typically, narrative history dealt with more recent times for which records were available. The general purpose was to weigh conflicting evidence rather than to theorise, or conjecture. Francis Jeffrey clarified this point when he remarked that the period after 1603 was 'a fitter object for particular [i.e. narrative] history, but a less suitable one for general philosophical discussion [i.e. conjectural history]'.³

John Murray, Stuart's friend and publisher, remarked on a distinction between narrative and conjectural history in a more economic context.

To make...a saleable work, it should be addressed to the Mob of Readers, to literary Amateurs, & to Smatterers in taste. Hume, Gibbon, Robertson & now Ferguson have derived most part of their success & reputation from this very circumstance, by adapting their History to Slender as well as to profound capacities. If you are able to entertain the ladies your business is done.⁴

Stuart regarded Voltaire as 'the father of this refinement'.⁵ In the conjectural department, he found in Montesquieu a formative model.

John Millar offered a preliminary way of understanding the nature of conjectural history when he remarked that 'the great Montesquieu pointed out the road. He was the Lord Bacon in this branch of philosophy. Dr. Smith is the Newton'.⁶ An explanation of this comment may help to define the nature of conjectural writing.

³ Edinburgh Review, III, 162. Jeffrey's article on Millar's Historical View. Quoted in Forbes, "'Scientific" Whiggism', 665.

⁴ Murray to John Whitaker, 6 March 1783. MC.

⁵ English Review, I, 191.

⁶ Historical View, 528.

In the Advancement of Learning (1605), Bacon outlined principles on which knowledge and nature could be systematically classified. This was to be achieved by careful observation, beginning with the specific and advancing to the general. Newton further popularised a model of experimental inquiry which came to be regarded as Bacon's own and which culminated in the discovery of general laws of nature. Hume and others before him attempted to apply the same method to the nature of the mind, morality, and society.⁷ Montesquieu systematically analysed the political institutions of Europe in the Spirit of Laws (1748). Smith applied to this the organising idea of a progress of society.⁸ His aim was to develop a science of history. Others in Smith's Scottish circle, for example, Lord Kames and John Dalrymple, were also engaged in this activity. Smith himself remarked that 'we must every one of us acknowledge Kames for our master'.⁹ Gilbert Stuart considered that John Dalrymple was the first Scot to 'imitate' Montesquieu's philosophical principles. He remarked that Dalrymple's Essay toward a General History of Feudal Property in Great Britain (1757) was 'replete with great views and original genius, and more generally that 'there is no improvement...more important or valuable than the introduction of philosophy into law and jurisprudence'.¹⁰

For Stuart the organising principle for a study of the manners, laws,

⁷ In the Treatise, Hume wrote : 'We must therefore glean up our experiments in this science from a cautious observation of human life, and take them as they appear in the common course of the world, by men's behaviour in company, in affairs, and in their pleasures' (45).

⁸ Forbes, "'Scientific" Whiggism', 646.

⁹ Ross, Lord Kames, 97.

¹⁰ This comment is found in Stuart's review of Eumonus; or Dialogues concerning the Laws and Constitution of England, in the Review (III, 314). Ross describes Dalrymple's essay as a work whose object was 'to trace the progress of laws relative to land property in England and Scotland, with the idea of promoting a more perfect union between the two countries' (204-5). Fletcher, in Montesquieu and English Politics, adds that it was 'the first of real importance devoted to the study of constitutional and legal origins' (84).

and governments of other societies was the concept of property. It was in its development that the progress of society was best observed. 'The leading circumstance', Stuart wrote, 'in discriminating the...barbarous and refined times, is the difference which exists between them in the knowledge and management of property'.¹¹ The centrality of this concept was perhaps what distinguished many but not all of the Scottish conjectural writers from others who were engaged in comparative studies of the past.

Dugald Stewart rather misleadingly viewed conjectural history as something 'entirely of modern origin'.¹² More recently, Roger Emerson confirms that there were many literary precedents for this type of discourse, and as such the Scottish writers were developing their ideas within an established though varied framework.¹³

For Stuart, the writings of Tacitus, especially the Germania, were important models for a conjectural study of history. 'Antiquity', he believed, 'has not given to the kingdoms of Europe a present more valuable'.¹⁴ Edward Gibbon extended similar thoughts on Tacitus to a comment on the conjectural writers of his own day.

In their primitive state of simplicity and independence, the Germans were...delineated by the masterly pencil, of Tacitus, the first of historians who applied the science of philosophy to the

¹¹ View, 1.

¹² Stewart, 293.

¹³ Emerson's main argument is that 'Scottish conjectural histories, like those of other Europeans, were rooted in aesthetic, scholarly, literary and philosophical contexts which were often very old'. 'Conjectural History and Scottish Philosophers', 82. For other discussions of conjectural history see H. M. Höpfl, 'From Savage to Scotsman'; Forbes, "'Scientific' Whiggism'; Roy Pascal, 'Property and Society'.

¹⁴ View, 1.

study of facts. The expressive conciseness of his description has deserved to exercise the diligence of innumerable antiquarians, and to excite the genius and penetration of the philosophic historians of our own times.¹⁵

Stuart acknowledged the tradition which extended from Tacitus and Montesquieu to the Scottish conjectural school on the title-page of the English Constitution. There he placed a quotation from the Spirit of Laws referring to Tacitus (see below). Though he followed this line of influence outlined above, he differed from his predecessors in terms of the purpose and style of his conjectural approach.

2.2. Purpose and Style of the English Constitution

In general, Stuart's writing is distinguished by the emotional appeal he makes to the reader, in contrast to the dispassionate trend in historical writing that was then popular. For men like Hume and Robertson, impartiality of sentiment and dignity of narrative were important aims. Impartiality had become an imperative in eighteenth-century philosophical history. Claims to it were usually asserted at the beginning of a work. Few writers of the period, however, were impartial. Some, indeed, did aim at it; others believed they were impartial when in fact they were not.¹⁶ Others still (like Stuart) used the rhetoric of impartiality to break down the reader's rational defences and elicit an emotional response to historical events and attitudes. The reader thus became an active participant and was led to relate those events to himself and his own

¹⁵ Decline, I, 213 (Chapter IX). Gibbon owned a copy of the View as well as the Reformation and the History of Scotland. See Keynes, Gibbon's Library, 259.

¹⁶ Jeffrey Smitten, 'Impartiality in Robertson's History of America', 56. See also Stewart's comments on Robertson's impartiality in the Life of Robertson, 240-1.

time.

Stuart's success in this respect, at least in the English Constitution, was limited. Nevertheless, it was an approach which he developed more fully through his career as an historical writer, literary reviewer, and political commentator. This evocative and often controversial manner is what sets him apart from many of his Edinburgh contemporaries and, with important qualifications, what makes him a precursor to those writers who subscribed to a more romantic view of the past.

Stuart acknowledged Lord Shaftesbury, one of the most often read writers of the eighteenth century, as an important stylistic model. To David Dalrymple, he wrote:

It appears to me that we have too much uniformity in the construction of our periods; and too much the appearance of art. That beautiful variety of construction & that most pleasing harmony with which one is so much delighted in the Writings of my Lord Shaftesbury, never distinguish any Scottish writer.¹⁷

Gilbert Elliot, however, found the style of the English Constitution 'too often abrupt, and too full of inversions'.¹⁸ To these strictures Stuart replied in a characteristically defiant manner. He contended that 'it is certainly the better fault to affect too much the brevity and sententiousness of Tacitus and Montesquieu than to be so coldly exact, and so tediously full as some modern writers'.¹⁹ In a review of Lord Kames's Sketches of Man, Stuart commented on stylistic matters at greater length in a particularly Scottish context:

¹⁷ n.d. [1775?]: NLS: Newhailes Papers. Acc. 7228/23, f. 94.

¹⁸ Stuart to Elliot, 3 June 1768: NLS: Minto Papers. 11017, f. 82.

¹⁹ Ibid..

That harmony of style, graceful arrangement, artful transition, and delicacy of contexture, are ornaments which adorn only the compositions of authors of the most cultivated and refined taste. They have hitherto been seldom displayed by those of North-Britain; and it must be confessed, that they are powerfully opposed, by our distance from the court; our affectation of metaphysical inquiry; the jargon of our judicial assemblies; the solemn barbarity of our medical writers; the ribaldry of our popular preachers; and the contempt which the herd of our men of letters express for qualities which they cannot attain.²⁰

In the English Constitution, Stuart's similarly independent voice is heard. But the full extent of his controversial manner was not yet developed. Sometimes he was authoritative; yet other times he was tentative. Sometimes he criticised his predecessors; other times he voiced his debt to them. Even actual historical figures were praised in one instance and in another criticised. This polarity of style reflects the variety of often contrary forces that were at work in his mind. By adopting this manner, Stuart rejected the notion that historians should or can be detached observers.

2.3. Content and Politics in the English Constitution

Simply stated, the English Constitution is a study of society's development, or progress, from primitivism to commercialism. Stuart's thesis is that the origin of English liberty was republican. It could be traced back to the institutions of the ancient Germanic tribes because the Saxons, one of these tribes, conquered Britain after the fall of the Roman Empire and established political liberty. This was a Whig view. Stuart asserted that the foundation of government was utility. By contrast, a Tory (perhaps even a conservative Whig) saw the principle of authority as its foundation and therefore ascribed liberty to

²⁰ Review, II, 557.

the beneficence of the monarch.²¹

In the essay 'Of the Parties of Great Britain', Hume distinguished between a dispassionate political writer like himself and one like Stuart who elicited controversy.

Those of mild tempers, who love peace and order...will always entertain more favourable sentiments of monarchy, than men of bold and generous spirits, who are passionate lovers of liberty, and think no evil comparable to subjection and slavery.²²

Stuart's label for a writer like Hume who supported the Tory principle of authority is an 'Advocate for Tyranny'. John Millar acknowledged the perceptiveness of Hume's observations but argued that his 'favourite object seems to have been to pull down the prevailing doctrines of the Whigs'.²³ Millar challenged Hume in the Historical View in much the same manner as had Stuart in the English Constitution. Millar was 'a steady and zealous Whig' [but] he had no enmity to speculative Tories; and, convinced of the truth of Mr Hume's metaphysical opinions, he was not of a temper to abandon a system...because it had been attacked by ignorant and illiberal abuse'.²⁴

Stuart held a similar view. But following Hume's model of the 'passionate lover of liberty', he took exception to Hume's Toryism. In the View, he distinguished between his republican view and the monarchical one he ascribed to Hume:

²¹ See Peter Stein, 'Law and Society in Scottish Thought', 162.

²² Essays, 64.

²³ In the Historical View (1787), quoted in Forbes, "'Scientific" Whiggism', 661.

²⁴ Craig, 'Life of Millar', viii.

To give completeness to the spirit of my present volume, it is sufficient for me to assert the antiquity of the commons, in opposition to an opinion of their late rise, which a modern historian, of great reputation, has inculcated with that hardness which he displays in all his writings, but with little of that force of thought and of reasoning which does honour to his philosophical works.

His history...is chiefly to be regarded as a plausible defence of prerogative. As an elegant and a spirited composition, it merits every commendation. But no friend to humanity, and to the freedom of this kingdom, will consider his narrative, and compare them with the ancient and venerable monuments of our story, without feeling a lively surprise, and a patriot indignation.²⁵

Stuart's political assertions were typical of the liberal Whigs of his day who saw Hume in the context of his associations with the Bute government. Such bold statements could not have been expected from Stuart in his first work when Hume's patronage was still being sought. Nevertheless, important criticisms of Hume's political philosophy and approach to history are found in the English Constitution. At the same time he often qualified his remarks in the following manner: 'if so great a man has been mistaken, into how many errors must I have fallen?' (179n). Stuart's letter to Hume, accompanying a presentation copy of 'a small treatise concerning the English constitution which I have ventured to publish', further explains the dual regard in which he held the 'great man'.

The subject is well known to you, and the public has profited very much from the learned and masterly reflections you have communicated concerning it. I have presumed to take a different road from that which you have followed, and if I have taken the liberty to differ from you in several particulars, it has been alwise [sic] with the greatest deference and respect.²⁶

²⁵ View, 339-40. William Smyth, writing in 1840, remarked that 'this opinion, however severe, is not very different from that which is in general entertained by others, who from previous study are competent to decide' (Lectures on Modern History, I, 155).

²⁶ 2 May 1768. RSE: VII, f. 74.

Stuart was 'impatient to a great degree' for Hume's reply. Though that letter is lost, another from Hume to Gilbert Elliot in which Stuart's letter was enclosed indicates the tone of his reply.

I send you my Letter enclosed to Mr Stewart, which I hope is calculated to encourage a young Man of Merit, without overstraining the Compliment. It were better, however, for him and for every body, to pursue, in Preference to the idle Trade of Writing, some other lawful Occupation, such as Cheating like an Attorney, Quacking like a Physician, Canting & Hypocrising like a Parson &c &c. It is for very little Purpose to go out of the common Track. Does he expect to make Men wiser? A very pretty Expectation truly!²⁷

Hume's humorous comments are perhaps more a reflection of his own ironic disposition than useful advice for Stuart. More than Hume, Montesquieu was a model for Stuart.²⁸

Montesquieu was an important source for the original liberty thesis in the English Constitution. On the title-page of the work, Stuart offered an observation from Montesquieu's Spirit of Laws: 'If one is going to read the admirable work of Tacitus on the manners of the Germans, then one will see that it is from them that the English have taken the idea of their political government. This fine system has its origin in the woods.'²⁹ Montesquieu stated further that England was 'the one nation in the world that has for the direct

²⁷ Letters of David Hume, II, 184. 22 July 1768.

²⁸ Fletcher, in Montesquieu and English Politics, notes that, 'in spite of the universal respect in which Hume was held, his somewhat unnatural mating of philosophy and history was not widely imitated. Rightly or wrongly, his contemporaries conceived that, if history had any meaning at all, it possessed it in virtue of its survival in the laws and customs of the country. In a word, they followed Montesquieu's lead, not Hume's' (Fletcher, 83).

²⁹ Chapter VII, 'Of the Constitution of England,' of Book XI, 'Of Laws which Establish Political Liberty.' Spirit of Laws.

end of its constitution political Liberty'.³⁰ However, he had investigated the 'fine system' of English government only superficially in the Spirit of Laws. For Stuart then, Montesquieu was a point of departure.³¹

Stuart was not a pioneer in constitutional or jurisprudential studies like his mentor Montesquieu. Rather, he followed in a complex tradition of European thought that included such figures as Grotius, Puffendorf, Carmichael, Coke, Craig, Spelman, Selden, Harrington, Brady, Locke, and Hume. These men offered a variety of theories concerning political, historical, and legal thought. Pocock, in The Ancient Constitution and the Feudal Law (1957) describes the relationships among these traditions in the seventeenth century. His work is a useful guide to understanding the historiographic background of the English Constitution.

There existed...in a number of European nations a kind of political thought which cannot satisfactorily be termed 'constitutionalism', since it involved a more intensive use of historical and antiquarian thinking than the use of that term normally implies. It may be provisionally defined as the attempt to settle fundamental political questions, notably those involving law, right and sovereignty, by appeal not directly to abstract political concepts, but to the existing 'municipal' laws of the country concerned and to the concepts of custom, prescription and authority that underlay them.³²

Stuart borrowed selectively from constitutional scholars of the previous century

³⁰ Ch. V, Bk. XI.

³¹ An earlier work, the Considerations on the Causes of the Grandeur and the Declension of the Roman Empire (1734), was also an important source for Stuart. Ross, in Lord Kames, notes that it is 'rife with speculations about the nature of political liberty...and the political importance of feudalism' (204n). Fletcher adds that with these two works 'Montesquieu had...brought history into a close, organic relationship with one of the most vitally contemporary aspects of human society--its laws and institutions--and had shown it to be more truly alive than the unformed and embryonic present' (Montesquieu and English Politics, 81).

³² Pocock, 17-8.

and more specifically from the appendices of their works which contain the 'laws of the country concerned'. In some cases he elaborated upon their models; in others they were criticised. This was largely determined by the political ideology of the writer.

2.4. The Scottishness of the English Constitution

From the start of the work, Stuart pointedly referred to 'our' laws, 'our constitution', and 'our historians'. By the use of this possessive pronoun, he meant British rather than English or Scottish. At the outset, he affirmed that 'there is no subject more interesting to a native of Great Britain, and none that leads to discoveries more curious and important, than an inquiry concerning the antiquity of our laws and constitution' (3). Stuart was writing some sixty years after the Union and one generation after the 1745 Rebellion. Implicit in his use of the pronoun 'our' was the idea that Scotland now had a share in the advantages of the English Constitution. Thus the history of English political liberty was important to Scotland.

Stuart's Scottish nationalism is also apparent in the English Constitution. But it should not be seen as an appeal for independence. He sought autonomy of a different sort. On this subject generally, Nicholas Phillipson notes that 'for much of the eighteenth century assimilation [with English society] was regarded not so much as a threat to Scottish life as a stimulus to it'.³³ The Union of 1707 was perhaps the most important constitutional event of the eighteenth century. In the English Constitution, a

³³ 'Scottish Public Opinion and the Union', 142-3. Phillipson emphasises that for the Scots such assimilation must come from themselves rather than being imposed upon them by the English.

historical foundation justifying and explaining the advantages of the Union was implicitly laid.³⁴

Stuart's patriotic inclination became more important in his later works. Nationalism and unionism (a form of British nationalism) were not inherently antithetical. The two were part of a general growth of national consciousness from the middle part of the century onwards. This trend, particularly in the 1760s and 1770s, manifested itself in a number of forms, including political radicalism.³⁵ Scotland was often in Stuart's thoughts; and its history, though not the subject of this first work, was nevertheless important. This is apparent in the critical manner in which Stuart dealt with other writers (especially Scots) who played down differences between the two nations or who suggested that Scotland was inferior to England. Together, Stuart's five published works suggest that, more than many contemporary Scottish writers, Scotland was an important subject in his writings.

Stuart argued that it was important for the Scots to take an interest in what was now 'our constitution'. But they must not go so far as to forsake their own cultural and historical individuality. Hume was the first Scotsman to write a proper history of England. Stuart, similarly, may have thought himself to be continuing that tradition in writing a history of English law. Such an Anglo-Scottish view was predominant in Scotland in the 1760s and found expression in the policy of Scottish leaders and in the publications of the leading men of letters. Robertson's History of Scotland (1759) and Blair's

³⁴ Stuart's pro-Union views were reiterated in many places. See, for example, his comments in a review of William Carstares's State Papers and Letters (1774) in the Review, II, 438-9.

³⁵ See Gerald Newman, The Rise of English Nationalism for a discussion of this topic, and the Times Literary Supplement, 1186 (30 Oct. 1987), for a review of this work by Linda Colley.

Sermons are examples of this assimilatory spirit. Clearly, however, relations between England and Scotland were not as good as they were often made out to be.³⁶ In the English Constitution, Stuart more readily adopted the conciliatory point of view of his Moderate mentors. In later writings he became a more outspoken voice against assimilation and against English political control of Scotland. He challenged those Scots who subscribed to such policies.

2.5. Stuart and the Footnote

The footnote is an important feature of eighteenth-century historical writing. A study of this sub-text in Stuart's works explains many characteristic aspects of his historiographic method and literary style.³⁷ Here too, the polarity of Stuart's approach is also apparent. On the one hand, he substantiated his ideas with a rigorous scholarly apparatus; on the other he introduced a reference with such a casual phrase as, 'I forget my authorities; but I have read somewhere....' (35).

William Smyth, in the Lectures on Modern History (1839), pointed out the scholarly utility of Stuart's notes in his remarks on the View. These, however, can be applied generally to the English Constitution.

Two-thirds of Stuart's work consists of notes; and this...is the only way in which any estimate can be given of the situation of society at any particular period. Nothing should be laid down in a text that cannot be directly proved or fairly implied from some original document referred to, or quoted in the notes. Views of

³⁶ Sher, 102. In the context of Robertson's History of Scotland he remarks that 'his achievement was to portray Anglo-Scottish relations not as they were but as polite society might wish them to be'.

³⁷ Stewart, in the Life of Robertson (259-65), provided a useful summary of the manner in which Robertson, Smith, Hume, and Gibbon integrated the 'note' into their historical narratives.

Society are, otherwise, views only of an author's own ingenuity and sentiments.³⁸

In the English Constitution, 370 notes supplement 290 pages of text. They are a integral part of the literary whole, where Stuart is free to express views that are more speculative, pedantic, or controversial than might be acceptable in the text. Further, they set a leisurely pace to the reading and enable Stuart to engage the reader at a more personal level. In the View and the Observations, the notes assumed an increasingly greater weight and were removed from the bottom of the page to the end of the work. This allowed him even more freedom to speculate on tangential subjects and incite controversy.

Stuart used two types of notes in the English Constitution: those which simply cite other sources for support; and those which contain some critical idea or comment. Roughly three hundred of these fall into the first grouping and seventy into the latter. For simplification, the first type are in this dissertation called *reference notes* and the second; *critical notes*.³⁹ The three hundred reference notes can be divided into four categories:

I. (a) Classical sources, is the largest. Most of these references come from the writings of Tacitus (specifically, the Germania) and Caesar (De Bello Gallico). These works are cited on nearly every page of the first half of the inquiry, and at times Stuart's narrative is little more than a rewording of these sources. The 'short, but comprehensive and sentimental, work of Tacitus', Stuart wrote, 'is the key to the Institutions...of the barbarians: yet how seldom is it

³⁸ Smyth, II, 87.

³⁹ Some notes combine features of reference and criticism; these are grouped in the critical category.

appealed to?' (108). References to Ovid, Virgil, Homer, and Sophocles were also included primarily for their observations about manners in former times.

(b) Through the second half of the English Constitution, references to primary legal documents of early nations and of kings become more frequent. These are what Pocock calls the 'existing "municipal" laws of the country concerned'.⁴⁰ Most often these serve as irrefutable proofs for Stuart.

(c) Many of these specific legal references were taken by Stuart from the works of seventeenth-century legal antiquaries. The compendious writings of these men were useful scholarly resources for him. At the same time he was aware that such writings were often informed by political ideologies with which he did not always concur and was therefore compelled to challenge.

(d) The final group includes references to more recent writers. The works of Montesquieu, Hume, Kames, and Ferguson provided support for many of Stuart's ideas.

(e) Lastly, there are Stuart's references to himself. They are more prevalent in later works; but even in this his first work, he cited previous sections to substantiate his argument.

(II) The seventy critical notes--Stuart's correction and commentary--are perhaps the most interesting part of the English Constitution. These notes illustrate Stuart's polemical conception of the critical dissertation. His corrections are generally balanced with a respect for the utility of earlier scholarship but clearly formulated upon Whig principles. In subsequent works,

⁴⁰ Pocock, 17.

that respect for other writers diminished and the scathing attacks for which he is better known became more pronounced. Stuart's critical notes can be arranged into two categories:

(a) With some writers he simply clarified minute details, such as points of philology or typology. These are found throughout the text.⁴¹

(b) There are other writers, however, with whose fundamental analytical methods and political principles Stuart was in disagreement. These authors, he argued, drew conclusions from the predispositions and prejudices of their own time. They tended toward or often inculcated party or religious bias.⁴² Further, they reasoned deductively, while Stuart, according to the method of the impartial historian, reasoned inductively. This distinction was largely a rhetorical one. In Stuart's day, the *a posteriori* principle in historical and philosophical writing was a prerequisite. For example, in a note in which Stuart argued for the relative indigence of the early English kings, he is seen to think inductively when he wrote, 'We may reason backwards from these circumstances, and gather the condition of the Saxon monarchs' (143n). The 'deductive' historians reasoned from cause to effect. Stuart called them 'the writers for prerogative' or the 'advocates for tyranny'. Rather than looking at the differences in manners and laws in the history of society, according to the method of Montesquieu, these writers often founded their views in religious and political ideology. One such Tory ideology was that of an omnipotent or

⁴¹ For example, Stuart confuted the observations of Montesquieu on the point of origin of hereditary fiefs: 'It is surprising how a writer, so profound and penetrating as Montesquieu could find fiefs in the war-horses and frameas which the German princes bestowed on their retainers; and thence imagine, that retainers were the vassals of princes' (73).

⁴² See, for example, 52-3, note 8; 78-9, note 20; and 141-2, note 12.

divinely inspired monarch. On this subject Stuart wrote:

It is observable, that the advocates for tyranny call in religion to their aid, when they find, that the testimony and information of history are too strong for their arts and disguises. They trace back, with an impious zeal the rise of government to the Deity.... But in all this they talk not the language of reason; they discover their illiberal minds, and show that they were unworthy to enjoy the privileges of a free administration. Their arguments carry their refutation along with them; and few men can listen to them without indignation (141-2n).

Stuart's position was by no means a new one and was not specifically a reference to contemporary politics. George Buchanan, for example, in the Rerum Scoticarum Historia (1582), challenged the notion of the indefeasible right of kings, and more generally set radical precedents to which later writers appealed.

According to Stuart, writers like Brady and Hale in the seventeenth century and Hume and Robertson in the eighteenth saw English liberty as arising from a series of monarchical concessions after the Norman Conquest. From this stance they overlooked the earlier history of the Anglo-Saxon period when monarchical power was limited and a republican spirit informed government. As a result they 'ascribe to these monarchs prerogatives which were not known till posterior ages' (150). This was also an important feature of the View and the Observations. It was so pronounced and repetitive a criticism that Stuart gained a place in William Hayley's poem, An Essay on History, in Three Epistles to Edward Gibbon (1780) The particular 'writer for prerogative' singled out by Hayley was Robert Brady:

Ye tools of Tyranny! whose servile guile
Would thus pollute the records of our isle,
Behold your leader curst with public hate,

And reap your just reward in Brady's Fate!⁴³

After these lines, Hayley directed the reader to Stuart, 'a living Author, who has lately vindicated the ancient constitution...with great depth of learning, and with all the energy of genius inspired by freedom'.⁴⁴ The reference no doubt pleased Stuart (though he might have preferred it to have appeared in the text rather than in a note).

2.6. The English Constitution: A Review

The aim in reviewing the basic arguments in the work is not entirely to reiterate Stuart's views, many of which are pedantic, rhetorical, and repetitive. Instead, it is intended to suggest ways in which Stuart's views were similar, or developed out of those of more well known contemporaries. Also, it will be noted how Stuart went 'out of the Common Track' to make original observations and engage the reader. To this end, the next five sections of this chapter are organised under the same headings as those which Stuart used in his text.

2.6.1. 'Of the Ancient Inhabitants of Germany and Britain'

Stuart employed a simple comparative model. He alternated between sections illustrating the manners and institutions of the German tribes with sections applying similar manners and institutions to the early inhabitants of Britain. He began with a general review of property in the different stages of

⁴³ Lines 327–30; Note XII (London: Dodsley, 1780).

⁴⁴ For Stuart's comments on Brady to which Hayley referred, see the View, 339–40.

society: the hunting, pastoral, agricultural, and commercial. This approach was a favourite of contemporary Scottish writers. By 1768, much of the ground-work for explaining cultural evolution had been laid. Although the origin of this approach goes back to Aristotle's Politics⁴⁵ Kames, in the Historical Law Tracts (1758), outlined the popular four-stage model of the progress of society. Stuart referred to this book on numerous occasions in the English Constitution.

Adam Smith expanded on Kames's model in the Lectures on Jurisprudence, which he began with a summary of the stages in the development of society. Adam Ferguson, in the Civil Society (1767), did not employ the four-stage model. Instead, he divided primitive society into 'savage' and 'barbarous' states. For the Scottish writers generally, property was the central feature of their social analysis. Thus Smith affirmed at the outset of his Lectures that 'in these several stages of society, the laws and regulations with regard to property must be very different'.⁴⁶ Stuart, in the Advertisement to the English Constitution, wrote that it was 'a peculiarity he had occasion to observe concerning property among the German tribes [which] suggested to him the leading sentiments that he has employed in this Essay' (v). He went on to consider this 'peculiarity', namely, that land was first the property of nations and at a later date of individuals. This point was acknowledged as significant by John Millar in the Ranks.⁴⁷

For Stuart, the long transitional age between the agricultural and

⁴⁵ Book I. See Ross, 221. This is a text which Stuart had on loan from the library while writing the English Constitution.

⁴⁶ Lectures, 16.

⁴⁷ Ranks, 166.

commercial stages was most interesting. In the broadest sense, this period included the era from the fall of Rome to the beginning of the seventeenth century. Property, according to Stuart, was an insignificant concept in the hunting and pastoral stages. In the former, man wandered over the land in search of food. The land itself and the objects which it contained were used temporarily and discarded on inclination. Later, in the pastoral period, changes came about; for example, sheep were marked and thus considered property (27). Still the idea of individual or collective ownership was not conceived. To illustrate how property was regarded at various social stages, Stuart referred to passages from the Bible, Ovid, Virgil, Homer. The information these sources revealed about manners and institutions developing around property contributes to Stuart's celebratory picture of romantic primitivism in early feudal history (28-9n). It is a picture of the barbarian which recalls Rousseau's 'Noble Savage'. More usefully, however, it provided Stuart with what Basil Willey called 'a safe means of indirectly attacking the institutions of one's own country'.⁴⁸ The unspoiled condition of the early Britons was thus contrasted with contemporary corruption:

Their fierceness was corrected with humanity, and their generosity unfettered by the narrow bounds of an exact justice (23).

Vice...had not lifted her head in triumph over innocence. Ambition had not intruded into the place of modesty; nor were the poor crushed under the proud oppression of the rich.... The ignorance of crime was a firmer preservative to their manners, than...the strictness of law, and the knowledge of virtue (24).

⁴⁸ Willey, *The Eighteenth Century*, 12-13. On this subject generally see the curious comments of Hayden White, *Tropics of Discourse*, 183-96 in the chapter entitled, 'The Noble Savage Theme as Fetish', 183-96.

In that age, the merit and virtue of the individual found a natural expression in the interest of the community. 'To what height', Stuart rhetorically asked, 'must the virtues of valour and love of liberty, have prevailed in those nations' (12-3).

In the agricultural stage, further social developments arose. The people, dividing their time between fighting enemies and tending crops, were brought together. In turn, they subjected themselves to laws to ensure that the interests of the community and the individual would be safeguarded. On this subject, Stuart offered his first critical remark. It was placed in the text itself and supplemented with a note.

In the age of agriculture, at which the Germans had arrived, property assumes other and more enlarged appearances. But in this state, authors, not attending to the history of mankind, have perhaps failed to describe it with precision. It is certain, that land is first connected with nations; and that some ages necessarily roll away before it can be united, or transferred, to individuals (28-9).

In the note, Stuart argued that the 'respectable author', Lord Kames, had not considered these facts either in the Essays on British Antiquities (1747) or the Historical Law Tracts. Stuart objected to Kames's assertion that the laws of England and Scotland were once the same. Clearly there were similarities, as there were with jurisprudential development in all European countries. But in principle this idea was contrary to Stuart's nationalistic inclination. In a similar note, he again challenged 'the learned judge' and his authority (Henry Spelman) by contending that the first Scottish legal code, the *Regia Majestas*, predated the English equivalent, the *Glanvil* (124n).

From these corrections of Kames, Stuart turned to question generally why change came about in society. He speculated, for example, on how property gradually assumed a dominance in the organisation of a community.

His reasonings followed contemporary notions of social progress. Firstly, a natural attachment arose between the individual and the land he cultivated (31); secondly, nations which at one time divided the year equally between conquest and cultivation came to prefer the latter activity. In this development, distinctions of rank, divisions of labour, and the spirit of commerce emerged and enlarged man's ideas about property.

At the same time, Stuart pointed to the risk to the community when its military spirit was diminished. Later in the English Constitution, he reiterated more clearly his conception of social change.

When pressed...by necessity, men have learned to provide for the future, and conceive a kind of property in the stores they have hoarded; and when instructed of their weakness in the savage and solitary state, they have united into bodies; it is in such a situation that the virtue of justice is discovered (218).

It is, however, by circumstance and accident that rules are discovered for the conduct of men; and society must have subsisted for ages...before the wisdom of individuals could plan or project the arrangements of nations (223).

Stuart's nostalgic contrast between this former period and eighteenth-century Britain is similar to that which Tacitus in the Germania made between the same courageous and community-minded Germanic tribes and the decadent and self-interested Romans of his day. When contrasted with the civility of Rome, or with that of modern commercial society, they may seem primitive. If, however, the standards of judgement in other ages were set aside and the very nature of their political liberty examined, Stuart contended that a clearer understanding emerged which refuted the barbarous conception of the Germans and their institutions. Such ideas, for example, would have recalled efforts in the early 1760s to enhance Scottish civic spirit by re-establishing a militia, an initiative led by Gilbert Elliot, Stuart's 'natural patron'.

Before the Romans invaded, the Britons exhibited a free spirit comparable to, if not greater than, that of the Germanic tribes who conquered the Roman Empire. With the arrival of Agricola, however, their liberty and ferocity were quelled under the civilising yoke of Roman society (54). Stuart acknowledged the larger benefits of the Roman civilisation. Nevertheless, he suggested rather pessimistically a negative by-product of Roman Britain:

Our deluded progenitors...yielding to the Roman manners rather than conquered by the Roman arms...forgot the value of liberty, and stooped in a tame subjection to the will of kings (56).

When the Romans left Britain, the Britons were forced to defend themselves against invasions from the Picts and Scots. The Britons were weaker, and looked for aid to the Saxons, 'who were...accustomed to war, and unemployed' (58).

At this point, Stuart shifted the narrative to the present tense and introduced a journalistic style reminiscent of a foreign news report from a mid-eighteenth-century periodical. The Picts and the Scots were defeated but the Britons discovered to their dismay that the Saxons would not leave the Island. Wars commenced, and the Britons were vanquished. This significant event made way for a total revolution in manners and institutions. A note, in which Stuart remarked that 'there is not a single British word in our language,' substantiated his historical picture of a complete Saxon conquest (59n), more complete, by implication, than the subsequent Norman invasion.

After a series of rhetorical questions, suggestive of a Roman oration, concerning the nature of the Saxon conquest, Stuart returned to his discourse on constitutional liberty and reiterated the main thesis of Montesquieu:

The conquerors of Britain [the Saxons] retained their

independence; and this island saw itself again in that free state in which the Roman arms had discovered it.

In the woods of Germany shall we find...those civil arrangements which the barbarians every where established and which the English alone have the good fortune, or the spirit, to preserve (60-1).

In this spirited tone, Stuart brought into perspective the events of more than a millenium. It was not wholly an exercise in antiquarian scholarship. Rather it was a political and conjectural discourse grounded in the observations of Tacitus and Caesar, guided by a selective use of seventeenth-century scholarship, inspired by Montesquieu and in opposition to those writers who 'guided only by prejudice, have asserted, that the first government of the Britains [sic] was regal and despotic, an opinion from which they infer the absurdest consequences' (52-3). By choosing the word 'English' Stuart reiterated the connection between early British history and the present.

2.6.2. 'Of the State of Land in the German and Gothic Kingdoms'

In Part II, Stuart considered issues more specifically related to property in feudal society. His first point of contention was that in the era of the German and Gothic kingdoms of Europe, following the fall of Rome, land was considered the property of nations. It was only in later stages of feudal society that it came to be vested in leaders and then devolved upon worthy individuals (72-3). On this premise alone, Stuart based the originality of his contribution to constitutional thought. Speaking generally, he remarked:

Land, at all times, fills the mind, and makes a durable impression on the affections. The novelty, however, of this object, and the ardour with which the possession of it would strike the barbarian, enhanced to him its value. (94).

Under an equitable and mutually advantageous arrangement, the leader of the

tribe or nation parcelled out the lands he had conquered. A vassal received not the *possession* but the *use* of land which was allotted in accordance with his military service. Taking charge of the land, he readily obliged himself to military service and attendance^a in the national assembly.

Stuart's reasonings for the causes of the gradual change in the state of property are not always as penetrating or as persuasive as his enthusiastic descriptions of the Germans and their British counterparts. As men came to scatter themselves through the country and to turn to the improvement of their property, the bonds of public interest, fostered by communal war, gradually weakened (108-9). Thus, under growing private and commercial interests, the use of property became distanced from the needs of the community. A spirit of commercialism was rising, but it lacked adequate laws to preserve the foundations of political liberty on which it rested.

The enlarging experience of men is ever altering their manners: the present still improves on the past: and those customs and attachments which one age adopts, and pursues with pleasure, the next renounces, and avoids as oppressive and grievous. Constant alone in the changes they exhibit, men are ever furnishing the materials of those motley pictures which compose their history (111).

To illustrate the process by which men compromise their original liberty and the general principles which enable them to regain it, Stuart described the birth, rise, and decline of the feudal institutions: the *ceremonies* (fealty and homage) and the *incidents* (wardship, marriage, relief, aid, and escheat). He based his argument on this general principle: feudal institutions were expressions of the mutually beneficial lord-vassal association, through much of the Saxon period. During the height of Norman feudalism, however, they became obligatory and oppressive. He repeated this idea again and again in the English Constitution and in his other conjectural works in opposition to 'the



advocates for tyranny'. David Hoffman, in a Course of Legal Study (1836), explained the ideological significance of Stuart's assertion. He noted that this contrasting notion of feudalism was part of a 'dispute between the popular and court parties' and added:

Among the boldest productions on the side of the popular party is Gilbert Stuart's 'View of the Progress of Society in Europe,' a work which, in support of the novel theory it sets forth of the origin of chivalry, contains many opinions which an acquaintance with the rise and progress of the British constitution forcibly contradicts, and much learning and research misapplied, or wilfully prostituted by party prejudice. The same remarks apply to his 'Dissertation on the Antiquity of the British Constitution.'⁴⁹

Stuart asserted a Whig view of history. But writing in 1768, he was aware that such a view was not radical (or revolutionary) and could therefore be adopted by either the 'court' or 'popular' party. If more consistent with the principles of the latter, it could nevertheless be used effectively by the former to silence a constitutionally-based challenge from the opposition. Both parties were Whigs in the sense that they both supported the 1688 Revolution, the Union and the Hanoverian Succession. However, after the Wilkes affair and the intensification of the American conflict, a new set of constitutional arguments were available to reformers.⁵⁰ New labels, such as conservative Whig and radical Whig were more applicable. But this distinction is not obvious in Stuart's first work.

2.6.3. 'Of the Orders of Men in Germany and England'

Stuart began this section, the longest of the English Constitution, with

⁴⁹ Hoffman, I, 143-4.

⁵⁰ The political setting in which the English Constitution was written is outlined below.

some introductory remarks on how the distinction of ranks arose with the development of property. His views are grounded in the rhetoric of civic republicanism. Millar's Ranks was not published until two years after the English Constitution. One important difference between the two works is that for Millar, liberty manifested itself more clearly in the commercial stage of society than at an earlier period. Stuart was more pessimistic. In the English Constitution, he wrote generally of the orders of men:

In proportion as they promoted the interest of the tribe, the character of individuals...was estimated. In this view, their actions were examined, and their importance adjusted. This was the principle on which different orders of society arose...(129-30).

Filled and penetrated with the idea of a public men direct the distinctions of rank by the advantages which result to the community from the conduct of its members (131).

From this premise, Stuart considered the primary orders in feudal society: kings, nobility, vassals, and clergy. The ancient king was elected by the people. He served as the general in times of war and as the judge in times of peace. With the legislature, he guarded the liberty of the people and was checked against despotism. Without money, 'that source of corruption which is so fatal to the virtue of polished ages', the unjust influence of the king was limited (136).

Stuart argued that the notion of a powerful political leader only emerged in the post-Saxon period, when, for example, monarchical consent for legislation became a requirement (146-7). It was only with the invasion of the Normans and the advent of hereditary fiefs that monarchical succession first descended within the family of the king. Once again, however, Stuart asserted that 'the prejudice of authors has taught them to ascribe to these monarchs prerogatives which were not known till posterior ages' (149-50). He scrutinised

the theory argued by the 'writers for prerogative', that the Norman kings alone secured the constitutional freedoms of the nation and in return were obeyed by the people. This suggested to Stuart a society which was ignorant of liberty (150-1). It is a Whig view that looks back to the Commonwealth and to 1688. Pocock puts this line of reasoning into historiographic perspective:

To admit of [a Norman] conquest was to admit an indelible stain of sovereignty on the English Constitution. A conquest was therefore not admitted in the age of Blackstone [i.e. Stuart's age] any more than in the age of Coke.⁵¹

Stuart qualified his polemic by remarks acknowledging the benefits derived from the Normans. The invasion (he refused to call it a conquest) was a period for which 'we [are] indebted for our first advances to art and civility. Lands...were made hereditary and perpetual...and the feudal law in its more enlarged condition, spread itself over England' (122).

In this section, Stuart came close to defining his use of the phrase 'the people'. It refers to soldiers of some merit who had been allotted a portion of land and who attended the national assembly. Dickinson, in Liberty and Property, confirms that 'by the term "free man" the Whigs always mean a man of independent means'.⁵² In the English Constitution, Stuart only briefly mentioned the peasantry, or what one might call the 'masses'. The work was written in the period when reformers were only beginning to contemplate the idea of universal suffrage. Wilkes had not given his famous speech on parliamentary reform; Thomas Paine had not written the Rights of Man. Stuart's

⁵¹ Pocock, 53. The 'age of Coke' (1552-1634) refers to the reign of James I (VI).

⁵² Dickinson, 69.

ideas referred rather more conservatively to the question of the balance of power between the Parliament and the King.⁵³

The clergy, another 'order of men', also held a large share of political power. Stuart believed their control tended to mitigate the virtue of the individual and the public interest of the community. Although he acknowledged the larger good of religious teaching, he clarified more insistently the debilitating forces of clerical power in feudal times.

The clergy had separated themselves from society in a manner contrary to civic spirit. In times of war and of peace, however, they displayed their authority, by manipulating the superstitious sentiments in men and administering justice. Their dominion illustrated the pervasiveness of religion in the middle ages. Moreover, their power was not limited to man's condition on earth. In the minds of the people it extended to the uncertain state after life.

[They] poison and confine the mind of the barbarian, when, impelled by hope and ambition, he looks forward...to better his condition, and enlarge his views; and in the most cultivated ages, they have erected their standard, and are able to support their dominion by the ignorance they establish (215).

In this part is located a source of Stuart's anticlerical position.⁵⁴ It was a censure of fanaticism, and implicitly of the Popular Party, the adversaries of the Moderates. Nevertheless, Stuart qualified his remarks by noting that 'the

⁵³ Wilkes gave this speech in March 1776; Paine published his work in 1791. The latter's views were radically different from those Stuart expressed in 1768. In Dickinson's words, Paine 'deliberately rejected the idea of appealing to the evidence of the past and insisted that each age had the right to establish any political system which would fit its own needs' (241) In the 1790s 'radicals were now prepared to admit that political liberty had been restricted in the Anglo-Saxon period to the owners of landed property' (i.e. 'the people') (242).

⁵⁴ The tone of his criticism was in a manner modelled on Hume's comments on the sixteenth-century Reformers in the *History of England*, IV, 22-51 (Chap. 36).

observations in this section refer to the Saxon times. They will not apply, and I desire they may not be extended, to the present clergy in England. There is not perhaps in the world an order of priesthood more respectable' (211n).⁵⁵

2.6.4. 'Of the Judicial Arrangements in Germany and England'

From criticism of the ancient clergy, Stuart embarked more calmly on a subject central to the philosophical and historical writings of the eighteenth century: *the law*. As society progressed, systems of law grew more complex. With these changes the simple judicial arrangements were corrupted and 'jurisdiction...which in Germany was the consequence of virtue and ability, was now annexed to the possession of land' (227).

The British legal system, as Montesquieu emphasised, had political liberty as its direct end.⁵⁶ In this context, Stuart clarified his jurisprudential approach:

In the judgements pronounced concerning men, we are generally guided by the manners to which we have been accustomed. We forget, that the human mind is conscious of a progress, and that mankind are ever exhibiting different manners, and a new way of thinking. The good-natured moralist may fancy, that in every age the mind of the individual is still sensible of right and of wrong.... But no sentiment is more contradictory to the history of mankind (216-7).

According to Stuart, two errors were often made by historians regarding the nature of justice and legal systems. Firstly, laws did not arise spontaneously.

⁵⁵ Forbes's point about Voltaire's *Essai sur les Moeurs* is applicable to Stuart in this regard: '[He] can acknowledge the civilizing role of the monasteries in the Middle Ages on one page while denouncing monks as the enemies of society on another' ('"Scientific" Whiggism', 652).

⁵⁶ *Spirit of Laws*, Bk. XI, Ch. V.

In the first stage of society, for example, where there was no idea of property, there was accordingly no idea of law. Morality, and what might be called natural justice, existed on a level detached from objects and possessions and was grounded in virtue and compassion. As social interaction increased, a limited legal system evolved. For example, to steal the sheep of a neighbour was a crime of the highest magnitude; to steal that of your enemy, a virtuous act (222–3). Stuart argued that some writers falsely rejected the existence of any idea of justice, when indeed, a strict, though by eighteenth-century standards crude, system was in practice.

Secondly, there were those observers who saw in the progress of law a supreme design or intention that guided society from barbarism to civility. Stuart largely rejected this idea. It contravened reason and was deduced by men of party and superstition. In reality, 'circumstance and accident' created laws, the design of which men only slowly realised upon reflection (223).

A current of social idealism runs through Stuart's jurisprudential narrative. In the latter parts of the English Constitution, he wrote more confidently (229–30). He marvelled at the republican spirit of laws. The political liberty which laws secured, developed out of changes in manners and in ways of thinking among people in society. Progress, that is improvement, was far from certain. Like Hume and Ferguson, Stuart maintained that the risk of corruption was as great as improvement.

2.6.5. 'Of the Great Council, or Parliaments in Germany and England'

Stuart pointed out a common misconception when he asserted that it is 'among nations whom we disgrace with the appellation of barbarous, that the duties of the citizen are most generally known, and that his character is

most respected⁵⁷ (273). The so-called *dark ages* Stuart affirmed, were not dark at all with regard to individual liberty. Such a picture broke with more familiar pictures of early feudal times which saw Saxon England as barbarous and the Norman conquest as a liberating and refining force in history. Much of this was political rhetoric. Stuart shared Adam Ferguson's observation in the *Civil Society* (1767) that 'we are apt to exaggerate the misery of barbarous times, by an imagination of what we ourselves should suffer in a situation to which we are not accustomed. But every age has its consolations, as well as its sufferings'.⁵⁷

In a manner which foreshadows the determinism of his later works, Stuart set the pure liberty of ancient times against the 'meanness' of society predicated on the division of labour and guided by faction and avarice. Lehmann, in his study of Lord Kames, similarly remarks that 'pessimism or moral skepticism regarding the effects of commercial and industrial opulence and its resulting "luxury" is a marked feature of the Scottish writing of this time'.⁵⁸ John Millar presented a contrary point of view. He contended in the *Historical View* that liberty is 'naturally produced by commerce and manufactures; but it would be vain to look for it in the uncultivated parts of the world'.⁵⁹

For Stuart, the terms parliament, English Constitution, and political liberty were nearly synonymous. By taking the ancient national assembly to be

⁵⁷ Ferguson, 105.

⁵⁸ Lehmann, 192.

⁵⁹ Quoted in Forbes, "'Scientific' Whiggism", 666. Hume similarly believed that luxury was a good thing.

the clearest evidence of the Englishman's political freedom, he opposed writers who 'confound the court of the king with that of the nation' (284). In a rhetorical manner, he restated the central thesis of the Dissertation: it is necessary to consider pre-Norman times in order to appreciate the political liberty which prevailed in Britain.⁶⁰ Other commentators on feudal society had not always regarded this earlier period with sufficient care or so Stuart asserted:

The Germans...brought along with them into England the same spirit and manners by which they had been directed in their own country. They renounced not all at once the way of thinking to which they had been accustomed;... Would the freedom which the people had enjoyed in Germany be exchanged for servitude...?

It is more consistent with history and reason to conclude, that they improved and secured their condition (282-3).

Like an advocate before a jury, Stuart drew together the main parts of work. Together, the state of land, the orders of men, the judicial arrangements, and the parliament compose the English Constitution. Finally, he returned to the phrase 'our constitution' (281, 290) to remind a Scottish audience of the benefits they share with England. Was this another attempt at ministerial praise? Or was it an assertion of a progressive nationalism of which Stuart was genuinely proud? In a short conclusion, unassumingly noting the limited scope of his study, he returned to the title-page quotation from Montesquieu:

⁶⁰ In a note at the beginning of Section II ('Of the Commons in England'), Stuart proposed a topic for his next work: 'a connected view of several arguments, which proves representation of the commons before the 49th of Henry III' (281-2). It is from this year that writs were extant summoning knights of the shire to assemble (see Pocock, 153). It would refute the royalist view, promoted by Brady and Prynne one hundred years before, that the sovereignty of the king and lords extended into antiquity but that the commons did not (Pocock, 210-1, 214).

If I have made it appear that the parts which compose our constitution arose more immediately from the forests of Germany, I have answered my intention. Those who have more learning and capacity may penetrate farther, and delineate with a happier pencil, the plan of our government (290).

2.7. Reception

Contemporary critics do not seem to have completely understood the nature of Stuart's modest innovations. A writer for the Critical wrote of the work: 'Like a Monmouth-street saleshop, we are here presented with second-hand clothing of all kinds, and some of them...*not the worse for the wear*'.⁶¹ The Monthly was more sympathetic to Stuart's whiggish politics and praised 'so agreeable a specimen of...ingenuity and learning'.⁶² Much of the review contained excerpts from the English Constitution and, like the Critical made very few substantive criticisms. In 1779 the Dissertation was translated into German and in 1794 into French by Antoine Marie Henri Boulard.⁶³

Stuart's contribution to the constitutional inquiry was overshadowed by the eclecticism of his approach. He joined the philosophic calm of Hume and Robertson with the controversialism of Pitcairne and Ruddiman, the legal antiquarianism of Kames and Montesquieu with the whiggism of the English

⁶¹ Critical, 25 (June, 1768), 452.

⁶² Monthly, 39 (Dec. 1768), 452 (by Andrew Kippis).

⁶³ The German translator is unrecorded, though the publisher, C.G. Donatius, is known to have had a share in the translations of English works. The German readership would have no doubt been interested in the English Constitution as an early example of the romanticisation of the early Germanic tribes. This translation established Stuart's reception on the Continent and led to translations of his other works. Boulard translated many English works of the period, including Johnson's Rambler (1785), Robert Henry's History of Great Britain (1788), Adam Smith's Dissertation on the Origin of Language (1796) as well as Stuart's View (1789).

radicals, the implicit morality of Ferguson with the simplicity of Tacitus and Sallust. Stuart may have said little that was new in the English Constitution or have done little more than incorporate the literary precedents under which he wrote. But the very combination of these, the product of his youthful reading, produced an approach which he would continue to develop.

Many of Stuart's ideas about feudal society have since been qualified or rejected. Fletcher notes, however, that the book 'is interesting in being perhaps the first deliberate attempt in Great Britain to establish, link by link, the chain connecting modern English with ancient German customs and institutions'.⁶⁴ This Anglo-Germanic 'linking' became a preoccupation with writers of the generation after Stuart and explains in part why his works were popular on the Continent.⁶⁵

At one level, the English Constitution represented an attempt by Stuart to ingratiate himself as a political writer with those who were in control of government patronage. Those men to whom he presented copies indicates the literary and political spheres where he sought to make himself known. The list includes David Hume, Gilbert Elliot, Lord Mansfield, Lord Lyttleton, and Charles Jenkinson.⁶⁶ When a second edition was issued in 1770, Stuart sought Lord

⁶⁴ Mossner cited the work as 'an early anticipation of the pro-Germanism of the nineteenth and twentieth centuries' ('Hume as Literary Patron', 365).

⁶⁵ Fletcher, Montesquieu and English Politics, 87. In a recent essay by Ronald Hamowy, The Scottish Enlightenment and the Theory of Spontaneous Order, the English Constitution is noted for offering 'a particularly clear illustration of the theory of spontaneous order as applied to the development of legal and political institutions' (27).

⁶⁶ Lord Mansfield (William Murray, 1705-93), a Scot, was the Chief Justice of England. His political influence was substantial. During the Newcastle administration, he controlled patronage in Scotland (DNB). George Lyttleton (1709-73) was an important political figure. Charles Jenkinson (later Lord Liverpool) was the Lord of the Treasury at the time. See Parl. Hist., II, 674-8. A letter from Stuart dated 23 Jan. 1770 is in the BL: Liverpool Papers (20), 38209, f. 259.

Mansfield's influence more specifically by dedicating the work to him. If a book was not ambitious enough to be dedicated to the King, Lord Mansfield, the leading legal figure in Britain, was a laudable alternative. In the Dedication, Stuart clarified the important role of the Lord Chief Justice in Britain's constitutional monarchy.

Raised by your abilities to that illustrious station between the King and the subject, you teach government to restrain its force, and the people to respect it. You perceive...what belongs to prerogative and to liberty: the former you allow not to grow into tyranny, nor the latter to degenerate into licentiousness (iii-iv).

From Mansfield, Stuart received (as his former employer John Mackenzie put it) 'thanks and his Dinner, with a promise of further Countenance'.⁶⁷ But little or nothing more came of this association.

As a constitutional inquiry, the English Constitution occupies a minor place in a long tradition of British political and antiquarian writing. Numerous works had been written on this subject through the eighteenth century by Whigs and Tories alike. The titles of these are remarkably similar.⁶⁸ In the English Constitution, however, Stuart presented a Whig view of history within a 'conjectural' framework. Duncan Forbes more accurately describes Stuart's approach as 'scientific whiggism'. This term denotes a method in which the empirical study of social progress was seen as the justification for being

⁶⁷ John Mackenzie to the Duke of Atholl 23 March 1772. Blair Atholl Archive: Box 54 (III), f. 64.

⁶⁸ For example, [Allan Ramsay's ?] The Genuine Principles of the Ancient Saxon, or English Constitution... (1776); [Obadiah Hulme's] An Historical Essay on the English Constitution (1771); Joseph Priestley's Essay on the First Principles of Government (1768); or Samuel Squire's An Enquiry into the Foundation of the English Constitution (1753). David Irving wrote of Stuart's English Constitution that 'the same ground had recently been occupied by the learned Dr. Squire' (EB, 7th ed. vol. 18). Though Stuart had read Squire's work (and referred to him, 237), he clearly took a different (that is, conjectural) approach. For Squire the progress of society was of little concern.

overtly political. Forbes explained the type of conjectural history adopted by Smith, Millar, Stuart and other Scottish writers of the period.

In the deep political slumber that prevailed in Scotland before the French Revolution, there was constructed a far more powerful liberal weapon than anything hurled against the old order by Voltaire.... The 'science of history' became one of the most powerful liberal engines of the nineteenth century.⁶⁹

For Stuart, the roles of social theorist and political commentator were interdependent. Therefore, it is necessary to outline the political setting in which he wrote the English Constitution and subsequent works.

2.8. The Political Setting: Wilkes, Junius, and the English Constitution

The British political scene, especially after the 1745 Rebellion, was very complex. The once powerful Whig oligarchy of Walpole and Pelham had fallen, and a new period of politics in the age of George III had begun. After a succession of ministers in the 1760s, Lord North established control of affairs for twelve years (1770–1782). During this Tory ministry, a resurgence of political parties and of the grand constitutional issues was changing government and society. The Treaty of Paris (1763), ending the Seven Years' War, had done little to resolve continental affairs or to settle economic problems at home. The conflict in North America, which began soon after, was the dominant political event of Stuart's adult life. This, together with the career of John Wilkes, brought politics ever more into the public eye. Extra-parliamentary groups were exerting influence on the government.

⁶⁹ "'Scientific' Whiggism", 652–3. The term 'science of history' belongs to Francis Jeffrey who reviewed Millar's Historical View in the Edinburgh Review, III, 159.

Metropolitan organisations such as the Society for Constitutional Information and the Society for the Protection of the Bill of Rights, country organisations like Wyvill's Yorkshire Association, and religious groups such as Lord George Gordon's Protestant Association signalled an age of radicalism and popular reform. The public and the press were becoming formative components of society. As a newspaper and periodical writer, Stuart was at the forefront of these developments. As an historian, he sought to relate the valuable lessons of the past to the present.

Scotland's present was perhaps the most relevant setting in which Stuart lived and wrote. He was far too young in 1745 to take sides in the Rebellion. This war was nevertheless an important event. In its immediate aftermath, Scotland's human and economic resources reached a low point. Through the 1750s and 1760s, however, Scottish society revitalised itself and became a centre for intellectual advancement and a source of national pride. The philosophy of Hume and Smith, the poetry of Ossian and Burns were products of this era. Through its educational institutions, its church, its legal system, and more generally through its people, Scotland became an integral member of the United Kingdom and an influential contributor to world culture. As a boy, Stuart witnessed this progress; as a young man he set out to contribute to it; as he grew older he came to question its value and consequently sought to change the direction of Scottish progress.

The cry of 'Wilkes and Liberty' was heard in the streets of London just at the time when the English Constitution was published in June 1768. One year before, Wilkes had returned from exile on the continent to face charges brought against him for his attack on George III and the Earl of Bute in the North Briton. He was sentenced by Lord Mansfield. While in prison, he was

elected to Parliament for Middlesex three separate times (in February, March, and April 1769) and expelled on each occasion through the influence of the ministry. In the midst of the publicity surrounding these events, Wilkes became a national hero. He brought politics from the behind the doors at Westminster to the streets of London. Dickinson in Liberty and Property (1977) comments that with Wilkes

opposition to the Court was no longer based so heavily on hostility to Crown patronage, but was founded on the fear that representative government might be destroyed and the will of the electorate frustrated by the actions of an arbitrary administration.⁷⁰

Reactions to Wilkes in Scotland, after the printing and reprinting of Number Forty-five of the North Briton, even among those with more radical political views, was not so positive. It was, after all, a Scot (Bute) against whom Wilkes directed his attack.⁷¹ The constitutional questions surrounding Wilkes's career were formative influences in shaping Stuart's political views. But these were tempered in the mid-1770s by his adherence to the conservatism of the Moderates. Afterwards, they were perhaps exaggerated by his antagonism towards them.

The English Constitution should not be regarded as an organised

⁷⁰ Dickinson, 212. Gunn, in Beyond Liberty and Property adds to this: 'In asserting the power of the people outside Parliament, the [Wilkes] petitions of 1769-70 involved no extension of the politically-active population beyond the traditional confines of the electorate' (276-7).

⁷¹ The only remark I have found by Stuart on Wilkes was written in the role of a propagandist for the Moderate Party against supporters of the American Revolution: In an article on the 'Proceedings of the General Assembly' (Review, IV, 416) he wrote in July 1775: 'It is very remarkable, that the only Wilkes-ites in this country [Scotland] are some of the wild [Popular] party, both clergymen and laymen; and that, during the rebellion in forty-five, the only clergymen in all Scotland, who were suspected of Jacobitism, were two or three of that party'. Three years later, however, he returned to a more populist view when he supported the anti-Catholic rioters in Edinburgh and London.

attempt at extra-parliamentary reform with goals similar to Wilkes and the Society for the Supporters of the Bill of Rights. Stuart did not espouse radical and certainly not revolutionary change as did the constitutional writings of James Burgh, Obadiah Hulme, and John Cartwright. Stuart could have defended his work as a purely jurisprudential study which recalled the liberty of former times without reference to contemporary politics. In the 1780s, however, he became an ardent supporter of reform, particularly of the Scottish electoral system, and challenged those government officials who opposed such change. It was probably in the light of this activity as well as his constitutional writings that some years after his death, he was suggested as the author of the famous 'Letters of Junius'.

Wilkes found a vociferous champion in Junius, whose letters, first published in the Public Advertiser on 21 November 1768, similarly challenged the oligarchy of the Court. The authorship of these letters is to this day a subject of speculation. Over the years, many candidates have been suggested, but none with certainty. The most recent work on Junius, Cardasco and Simonson's A History of the Letters of Junius and the Authorship Controversy (1986), acknowledges that the identity of Junius remains a mystery.⁷²

The name of Gilbert Stuart was, with many others, proposed as the writer of these famous letters. An article in the Scots Magazine for 1799 offered a detailed argument for this assertion. The writer explained how Stuart went to London with the second edition of the English Constitution 'expecting

⁷² They refute likely candidates such as Sir Phillip Francis. But see Alvar Ellegård, Who was Junius?, which supports the Franciscan theory. Halkett and Laing, in the Dictionary of Anonymous and Pseudonymous English Literature, list Stuart among the forty-six Junius candidates.

the patronage of Lord Mansfield'. When nothing came of this prospect, 'disappointment...as well as revenge, caused him to embrace the interest of the Opposition' [i.e. the Duke of Grafton's administration]. The correspondent, subscribing himself 'an old Magistrate', continued:

He procured an introduction to an English gentleman strongly connected by ties of blood to Lord Camden.... His name I shall call Lucius. Lucius soon discovered the merits of young Stuart. The scheme of Junius's Letters was immediately planned by Lucius, and a Mr Fitzgerald, an accomplished Irishman, since dead. They were to give the information, and Stuart was to be the author; but a confidential amenuensis was still wanting. Mr Fitzgerald at last found one in his countryman Hugh Boyd.⁷³

The three, Lucius, Fitzgerald, and Stuart, met nightly at a coffee-house in the Strand to discuss the subject of the next letter, and Stuart returned to his lodgings at Holborn to compose it. They were then transcribed, returned to Stuart for further changes and 'conveyed...by street porters to Woodfall's printhouse'. The correspondent added further evidence:

An intimate acquaintance of Fitzgerald, from whom I had this story, and in whose veracity I may perfectly confide, happened to frequent the same coffee-house.... My friend's curiosity was naturally excited: He bored a small hole in an unobservable part of the door, and...saw his intimate acquaintance Fitzgerald, Lucius (whom he knew by sight), and another person sitting between them; but what was his astonishment when he found their conversation respected the writing of Junius's Letters.

In closing, he noted that this account 'may appear a romantic story' but he supported it by mentioning that 'it is also well known that the Letters of Junius were traced first to Lincolns-inn fields, and next to Chancery-lane, in which

⁷³ In *SM*, 61 (Nov. 1799), 734. In an article from the previous month (Oct. 1799), 661-4, Boyd was suggested as the author of Junius's Letters, but William Woodfall, the brother of Henry (the printer of the letters), rejected Boyd's candidature as 'founded in misapprehension'.

two places Gilbert Stuart at different times resided'.⁷⁴

Many people at this time shared the political ideology of Junius. If Stuart was the author of these acclaimed letters, it was a secret which he was careful not to reveal.⁷⁵ Modesty was not one of Stuart's foremost qualities. But the fear of prosecution may have been a greater deterrent. Junius himself affirmed that 'I am the sole depository of my secret and it shall die with me it'.⁷⁶

Still it is odd that over thirteen years after his death, Stuart's name appeared in this context. It was an article with which he himself would not have been displeased. Based on stylistic and more general circumstances, this attribution must be regarded as tenuous. Moreover, Stuart was not in London for some of the period when the Letters appeared.

He was, however, an active political propagandist, and in this capacity always wrote anonymously or pseudonymously. Junius's Letters no doubt were a source of inspiration for his own attacks, particularly the severe personal ones. Junius attacked Grafton and Mansfield in the same manner as Stuart did Robertson and Henry. Like the English Constitution, these Letters sought to heighten the people's awareness of the liberty they possessed.

⁷⁴ Ibid., 734-5. This article was reprinted in Reminiscences of Charles Butler, I, 336-9. Butler, however, dismissed the argument.

⁷⁵ Stuart mentioned Junius once in a letter to John Mackenzie. Defending the caustic language he employed in his history of the Isle of Man, he wrote that 'the Public has of late been accustomed to the utmost severity of satire. You will easily perceive that I allude to the papers of Junius'. 29 Dec. 1772. NLS: 1480, f. 104-5.

⁷⁶ Quoted in the Preface to Junius: including Letters by the Same Writer, under other Signatures, xii.

Chapter 3

Years of Diversity: 1769–72

3.1. Introduction

Like many young Scotsmen during the mid-eighteenth century, Gilbert Stuart set off for London to find employment. It had become clear, despite the efforts of his father, that he would not find a suitable job in Edinburgh. The English Constitution had brought him somewhat less recognition in political and literary circles than he might have hoped. But it was with a sense of relief that he had not resigned himself to a legal career. The future promised much, and the prospect of living in London, for a twenty-five-year-old man, must have been exciting. With letters of introduction, essential in an age of patronage, Stuart left Scotland in January 1769 for the city where 'so many adventurers carry to market their virtues and their vices'.¹

One important recommendation was written by Principal Robertson to David Hume. It may have been that this introductory letter was composed under the anxious eye of George Stuart who sought to put his son in an advantageous position in London. Gilbert Stuart was well known to the Principal and, as the letter suggests, well liked. Similarly, he held Robertson in high regard at this early period of his literary career and knew and admired Hume, if from a greater distance. Some months before, he presented the philosopher with a copy of the English Constitution and received a reply (quoted above) that was, as Hume put it, 'calculated to encourage a young man of merit

¹ Stuart made this comment about London in a character sketch of John Arbuthnot in the Review, II, 413.

without overstraining the compliment'.² To Hume, Robertson wrote the following introductory letter:

You have just now with you M^r Gilbert Stuart.... He is a modest, ingenious & high-spirited young man. He has been regularly educated here as a Writer (not an Author) with Jo. Mackenzie, but he has no great relish for that business. He wishes to fix in London, & both his education & integrity fit him for any station where something must be done. Sir Gilbert [Elliot] is his natural patron, & disposed to serve him. I wish you could likewise give him your aid. Converse with Sir Gilbert on the subject. I have known the young man long, & think there are few people who have gone from this place, who will do so much credit to those who patronize them.³

It is not known whether Hume or Elliot did anything specific to further the career of Stuart, though the mere association with these men could do him little harm. The genuine interest and good feeling which this letter exhibits contrast ^{with} the more familiar accounts of antagonism between Stuart and Robertson. This rift, however, dates from a later period.

Stuart's first visit to London lasted only about six months before he returned to Edinburgh. Boswell's 'Journal of my Jaunt' to London in 1762 provides a youthful picture of the setting in which he would have found himself in 1769. In the coffee-houses of London he would have met a variety of literary figures. He would have also visited the British Museum (opened in 1759), attended the theatre, a public hanging, and most likely experienced the less reputable side of London's nightlife which Boswell so vividly described.

Upon his arrival, Stuart lodged himself in the house of a bookseller

² 22 July 1768. Letters of Hume, II, 184.

³ 31 Jan. 1769. Printed in 'David Hume and William Robertson: Three Letters', eds. Sher and Stewart, 76-7.

named Mr. Murdoch. Thomas Somerville, another young Scot first visiting London, shared these lodgings. Somerville, in My Own Life, rather disparagingly mentioned the selection of profligate and destitute writers with whom Stuart regularly associated. Stuart, he noted, was 'assigned oracular authority' over the literary gatherings of these men which often took place at the home of the publisher, John Murray and where, to Somerville's indignation, 'contempt was expressed for the most esteemed authors living'.⁴ Though distasteful to some, Stuart possessed an engaging and humorous personality. His intelligence and wit entertained his companions, especially when warmed by drink. When, at a late hour, these bacchanalia were concluded, Stuart retired to his lodgings, his mind reeling with energy, and wrote the reviews and news articles by which he earned a modest income. Somerville recorded the scene of Stuart's literary production in the following manner.

However exceptionable Dr. Stuart's character, it must be acknowledged that he possessed transcendent intellectual talents, a powerful understanding, a penetrating discernment, with a capacity for patient laborious research. But what I most admired, and what was less known, was his facility and quickness in composing – the more extraordinary, because his style has so much the appearance of art and elaboration. I have often seen him, after revelling through the night, without sleep or refreshment, take the pen in his hand, and in a few minutes write out an article for a newspaper or review, which was sent to the press without correction.⁵

Stuart's friendship with John Murray was confirmed during this first London visit. It proved to be the most important association of his career. Murray had a share in the publication of most of his historical works and was involved in his

⁴ Somerville, 149.

⁵ Ibid., 149–50.

other literary activities.⁶ The two men may have first met in the early 1760s at Edinburgh, where they had a number of mutual friends. After retiring from the military in 1764, Murray, at the age of twenty-three, left Scotland and took over the publishing firm of William Sandby on Fleet Street.⁷

The letters between Stuart and Murray are the most comprehensive of Stuart's extant correspondence. They cover the period from July 1769 to Stuart's death in August 1786.⁸ Unlike the polite letters he wrote to Elliot of Minto, Lord Hailes, and other social superiors, those to Murray reveal Stuart as a man of dynamic emotions who was easily flattered, frequently self-critical, and full of ideas about literary projects. At various times Stuart acted on behalf of Murray as an agent for publishing in London the works of Scottish authors. Two examples of this were John Millar's Ranks (1771) and Lord Hailes's Annals of Scotland (1776 and 1779), both of which Stuart had a share in editing.⁹ Murray's letters demonstrate the solidity of their friendship and the extent of their mutual literary interests. He recognised the extent of Stuart's talent but was all too aware that it required prudent guidance. In connection with the increasingly unfavourable reception of Stuart's Review, for example, Murray wrote pleadingly:

⁶ Murray's comments in a letter to Hugo Arnot confirm that Stuart held Murray in high regard. Murray wrote: 'I have occasionally opened myself to D^r Stuart with much more freedom than I ever did to you. And tho he felt my strictures, yet he recovered the nature from whence they proceeded and valued my attention to him' (19 March 1779. MC).

⁷ See the DNB under John Murray II (his son) and Smiles, A Publisher and his Friends, Chapter 1.

⁸ In London the two saw each other so regularly that there was little correspondence. Copies of Murray's letters to Stuart are found in Murray's Copybooks at the Murray Archive. Only about half of Stuart's letters to the publisher are extant. These are located at the Archive and in the Bodleian Library.

⁹ His contribution to Millar's work is considered in Chapter 5.

For Heavens sake know yourself better than squander your precious time to such an unprofitable purpose. Or does the gratification of your spleen and resentment in a mag against a few obscure individuals recompence you for the odium and poverty you sustain in conducting the work?... You are the surly mastiff who worries every one but his Master; but who at last must be given up to gratify the Just resentment of the village which he has injured.... I beseech you seriously to lay to heart my remonstrances which my regard for you alone dictate.¹⁰

Stuart's own remarks about the value of private correspondence (written in connection with a review of Voltaire's Letters) are relevant in this context: 'We perceive in them', he wrote, 'a more natural picture of the writer than in those works which he has prepared with care, and with a view to reputation'.¹¹ Similarly, Stuart's reviews, where anonymity permitted a certain freedom of expression, offer insights into his interests and attitudes that his more polished works do not always reveal.

3.2. Editor and Reviewer

The first editorial effort in which Murray is believed to have engaged Stuart was to prepare a second edition of Robert Wait's Gospel History (first published in 1765).¹² According to the Dictionary of National Biography, Stuart provided some 'judicious corrections and amendments' for the edition published by Murray in 1769. The first and second editions are, however, exactly the same (i.e. the text and the bibliographical collation), except for the title-page. This may have been changed merely to promote the sale of an

¹⁰ 22 November 1774. MC.

¹¹ Monthly, 42 (Jan. 1770), 457.

¹² The first edition was noticed in the SM., 26 (Nov. 1764), 606-7.

already unpopular book.¹³ Stuart may have known Wait in Edinburgh, for in June 1769 he informed Murray that 'M^r Wait has got the degree of Doctor of Divinity, so that if you give a new title to his book you may add the D.D.'. Further in this letter he reported on the progress of the sale of the Gospel History in Scotland.¹⁴

To earn a regular income while in London, Stuart wrote reviews and articles for a number of newspapers and literary journals. He was a prolific reviewer. It is in this genre, as much as in his historical works, that he made many interesting contributions over the course of his career. I have limited this discussion to those reviews which reveal important features of Stuart's literary taste, politics, and personality. In some he took more than a passing interest because of the subject matter. Other reviews are of interest because of Stuart's comments on the well known author who wrote the work under review; among these are included Robertson, Goldsmith, Henry Mackenzie, and Dr. Johnson.

The first periodical for which Stuart regularly wrote was the London Magazine. It was edited by the Scotsman John MacMillan.¹⁵ James Boswell became one of the proprietors in the autumn of 1769 and was himself a

¹³ Little is known about Wait except that he was at one time the minister at Galston in Ayrshire and patronised by the Earl of Marchmont (to whom the Gospel History is dedicated). In this work, Wait attempted to rectify inconsistencies in the accounts of the ministry of Christ as found in the Gospels. Further, as Wait wrote in the Preface, it 'may be of use to weaken the force of several objections of the Deists' (vii).

¹⁴ 12 June 1769. MA. Stuart's letter continued: 'There remain only about forty copies of the impression besides those in your custody. These Mr. Wait has disposed of to Bell in exchange for other books'.

¹⁵ Stuart wrote an obituary of MacMillan in the Review, I, 334. The NLS Catalogue of Manuscripts, Vol. 4, under the index to the Liston Papers notes that Robert Liston assisted 'Gilbert Stuart in editing the London Magazine', but I have not been able to locate such references.

regular contributor at the same time as Stuart.¹⁶

Stuart's review of Robertson's History of Charles V appeared in the March and April issues of the London Magazine for 1769. Its general tenor substantiates the respect in which he held the Principal at the start of his career. The article must have been one of Stuart's first reviews. It lacks his characteristic assuredness and fails to highlight the significant features of the work. Instead, Stuart wrote the review in laboured, abrupt prose, and without the 'art and elaboration' which Somerville praised. Curiously, no mention was made of Robertson's important introductory volume, the 'View of Europe', a work which Stuart clearly had in mind when he wrote the View. Stuart praised Robertson's History as 'a valuable acquisition to the world of letters', but offered little substantive criticism of it. Much of the review typically contains quotations supplemented by summaries so that, as Stuart rather unfortunately put it, 'our readers may relish the extracts...with greater gust'.¹⁷ In the following months, further portions from the History appeared in the London Magazine, probably at Stuart's instigation.¹⁸ These, with the review itself, show the genuine interest Stuart took in advancing the reputation of the Principal and in increasing the sale of his work.

¹⁶ See Boswell for the Defence, 17 and 103. He recorded having dinner with Stuart in London on 2 April 1772 (95).

¹⁷ London Mag., 38, 157.

¹⁸ In July (348-52), Robertson's account of the history of Anabaptism appeared, and in Oct. a letter relating to this excerpt, (523-5).

3.3. Return to Edinburgh

In late June 1769, Stuart returned to Scotland. There he would have noted the steady progress of building in Edinburgh's New Town, and must have been curious to survey the site of the collapsed bridge over the North Loch which had opened to pedestrians only months before.¹⁹

Three extant letters to John Murray describe some of the activities in which Stuart engaged upon his return. Stuart complained of general ill-health. From his sketchy comments it might be surmised that he had contracted a venereal disease in London while pursuing 'those tender affections which please and agitate'.²⁰ To improve his 'languishing state of health' Stuart went with his family to their country residence. It was his intention to return to London in the autumn of 1769, but this plan was postponed until June 1770. While in Scotland, Stuart began the View. This study of the middle ages developed naturally out of the subject matter of the English Constitution. In all, it was a project which engaged him until 1778 when at last the work was published.

Stuart was also active in Edinburgh literary circles, ensuring that Murray's Scottish publishing interests were not neglected and enjoying reunions with friends. On several occasions he read works which Murray was considering for publication and judged their saleability. In this regard, he wrote:

¹⁹ See Youngson, The Making of Classical Edinburgh, 63. The bridge reopened in 1772, but had further structural problems as John Murray's letter to Hugh Arnot indicates: 'I condole with you on the Apprehension of a broken Bridge, as I do with the Architect on a broken or rather demolished reputation' (20 Feb. 1773. MC).

²⁰ This is one of Stuart's euphemisms for sexual activity. See the English Constitution, 199.

I think you have acted prudently in refusing the novel of M. De Vergy. It is of too abrupt a tendency.... Remember that he is totally devoid of every principle of integrity....

I think that, as you are in the way of purchasing so many copies, you ought to connect yourself with a property in some review of periodical work. The advantage of such things to a bookseller is inconceivable. Let me hear that you have done something of this kind.²¹

In the years to come, Murray became the proprietor of a number of periodicals. This contributed to his success as a publisher. Stuart supported Murray in these endeavours and, if he was not engaged by Murray as the editor, he generally became a regular contributor.

3.3.1. The Encyclopaedia Britannica

Another project in which Stuart may have been involved was the first edition of the Encyclopaedia Britannica.²² This important work was issued in one hundred parts from 1768 to 1771. William Smellie, the general editor and author of many of the Encyclopaedia's scientific articles, was a close friend of Stuart, and may have recruited him to prepare various articles. Two years later they established the Review, but before that time they were probably in close association.

Many of the entries in the Encyclopaedia Britannica were compiled from standard contemporary sources listed in its Preface. Some of these correspond to books which Stuart had borrowed from the University Library during this period. These include Hume's Essays, Locke's Human Understanding,

²¹ 23 Aug. 1769. G/1/904.

²² For this suggestion I owe thanks to Dr. Michael Barfoot.

Kames's Elements of Criticism, and Bielfield's Universal Erudition.²³ The suggestion that Stuart adridged some of these texts for the Encyclopaedia can only be speculative. It is difficult to draw stylistic parallels between these entries and works attributed to Stuart, especially when some articles were largely composed of near-verbatim quotation from various sources.²⁴

3.3.2. 'Those Tender Connections which Please and Agitate'

When the University was not in session, the Stuart family retired to the country. For Stuart this change offered a respite from the tempting vices of Edinburgh. In this regard, he explained to John Murray that 'my design in going to the country is on account of health rather than for pleasure or study. I have been complaining for some weeks; but I endeavour to live temperately'.²⁵ Stuart was twenty-five at the time. Together with the scenes of excessive drinking in which he was known to have indulged, it is likely that he sought illicit sexual pleasures. Boswell recorded his frequent encounters with prostitutes in Edinburgh and London together with the instances in which he contracted venereal disease. There is reason to think that Gilbert Stuart's habits were much the same. Stuart did not marry, and little is known of his love-life except for rather obscure references in his correspondence to unrequited affairs. His interest in prostitution was realised not only in practice but at a

²³ See EUL: Da. 1. 34; Da. 2. 8-10; La. II, 247. Library Receipt Books and Borrowing Ledgers.

²⁴ Those articles which Stuart may have had a share in composing are: 'Beauty', 'Bible', 'Composition', 'English', 'Grammar', 'Language', 'Law', 'Logic', 'Magna Charta', 'Mahometans', 'Metaphysics', 'Moral Philosophy', 'Mythology', 'Religion or Theology', 'Tory', 'Whig', and 'Wit'. A letter from John Murray to Thomas Ewing, a Dublin bookseller, offers a clearer account of the composition of the work. It is possible that this information was given to him by Stuart, who was in London when the letter was written. There is no record of a correspondence between Smellie and Murray at this time (May or June 1772). The letter is reproduced in Appendix 2.

²⁵ 6 July 1769. MA.

theoretical level. In the View he offered reasons for legalising prostitution in Britain.

It has frequently been a subject of inquiry among politicians, whether public stews, under proper regulations, with a view to the health of individuals, and the peace of society, be not an advantageous institution. In some states of Europe, a tolerated or authorized prostitution is known at this day. And, by the Code of Gentoo laws, this institution was acknowledged as salutary.... I avoid, however, to enter into a question of such infinite delicacy. It is dangerous in a state to give the slightest stab to morality. Yet, I cannot but observe, that, in most cultivated nations, there are laws and regulations which wound morality more severely than could be done by an authorized prostitution.²⁶

Stuart's libertarian point of view is part of a discourse current in the eighteenth century. It is related to the notion that masturbation was adjudged to be more of an evil than prostitution. Though Stuart referred to European and Hindu sources to justify his position, contemporary readers were also likely to have recalled Bernard Mandeville's Modest Defence of Publick Stews (1724) or the Scottish poet John Armstrong's advice for young men in the Oeconomy of Love (1736) to 'hie/ To Bagnio lewd or Tavern, nightly where Venereal Rites are done' rather than practice 'ungenerous, selfish, solitary Joy'.²⁷ Nothing is known of Stuart's masturbatory activity. Even Boswell remained silent on the subject of masturbation. But of Stuart's experience of Edinburgh's 'public stews' the following anecdote is recorded.

Dr Stuart came one evening to the house of Mr. Smellie in a state of complete intoxication, and was immediately put to bed. Awakening in the course of the night, he considered himself in a

²⁶ View, 414.

²⁷ This passage is quoted in (and the phrase 'rather than practice' borrowed from) Fox, 'The Myth of Narcissus in Swift's Travels', 18. The legalisation of prostitution was put forth as a topic of debate at the Select Society by Alexander Wedderburn, but rejected. See Mossner, Life of Hume, 282.

brothel, and alarmed the family by repeatedly vociferating *house! house!* Mr Smellie...endeavoured to persuade him to go quietly again to sleep. On seeing Mr Smellie almost naked, and still impressed with the idea of being in a house of bad fame, he addressed Mr Smellie: 'Smellie! I never expected to find you in such a house. Get on your clothes, and return immediately to your wife and family; and be assured I shall never mention this affair to any one'.²⁸

3.4. 'A Ramble of Dissipation'

After August 1769, there is a gap in Stuart's extant correspondence until November 1771. Continued ill-health, the ease of living with his family, or perhaps a love affair, kept him in Scotland.²⁹ In June 1770, he returned to London and became a regular contributor to the Monthly Review. Around this time, he moved to lodgings at Number 13 Southampton Buildings in Holborn, the centre of legal London.³⁰ There he lived in close proximity to his favourite drinking establishment, the Peacock, in Grays Inn Lane. Andrew Dalzel, in a letter to Robert Liston, wrote this account of Stuart's daily activities in London:

His usual way was to rise very early in the morning, to write till about two o'clock, and then go to the Peacock, and after dining on beefsteaks, to soak the remaining part of the day drinking Burton beer, and, after supper, punch.³¹

In the handful of biographical accounts of Stuart, his predilection for Burton

²⁸ Smellie I, 502-3.

²⁹ It was at this time that he received an honorary Doctor of Laws degree from Edinburgh University.

³⁰ The name of his landlady was Mrs. Wait, possibly the wife, or a relation of Robert Wait, author of the Gospel History. This woman treated Stuart with maternal affection. See John Murray's letter to George Stuart, 14 March 1786. MC.

³¹ 6 Sept 1786, quoted in Dalzel, I, 72. I have not been able to find this letter in the Liston Papers in the NLS or the Dalzel Papers in the EUL.

beer is often noted. The Peacock was renowned for its superior Burton. In fact, it had been serving that type since 1630, over 135 years before Stuart drank his first there.³² In Edinburgh, Stuart likewise sought out the best-kept glass of Burton. Since the passage of the Navigation Act of 1698, this beer had been transported through the Humber Estuary into Scotland and as far away as Russia.³³ Stuart expressed his views on Burton beer and on alcohol generally in the context of a political debate in the 1780s over the high tax which was levied in Scotland on malt. Scottish politicians entered into associations to produce spirits cheaply in Scotland when, as Stuart wrote, 'the stomachs of raw-boned and hungry Scotchmen are sufficient boilers and stills for all the grain that their country produces'. He continued: 'the poor people of Scotland have no porter, no ale; the *cap-ale*..which they had before, and a little after the Union, being diluted by taxes into a wash, in comparison of which the common table-beer of England is Burton ale'.³⁴ As a result of this tax, the Scots drank whiskey, a drink 'ill qualified to quench the thirst of a palate spiced, salted, and peppered with a Glasgow herring, an oaten cake, and an onion'.³⁵

Political issues aside, the period was notable for its preoccupation with drinking. Boswell observed that in Edinburgh society, 'the gentlemen drink so constantly that the ladies are neglected'.³⁶ Stuart apparently followed this practice. He was a member of at least one convivial drinking club in Edinburgh, called by the name of the Chrochallan Fencibles. In a manner similar to the

³² See Corran, A History of Brewing, 151.

³³ Peter the Great is even said to have relished this drink. *Ibid.*

³⁴ Herald, II, 315-6.

³⁵ *Ibid.*

³⁶ Boswell for the Defence, 135 (19 April 1772).

more well known Poker Club (established by Adam Ferguson) the Chrochallans presented themselves 'as Fencible men or Volunteers against dangers arising from invasion during the American War'.³⁷ The Club met at Daniel Douglas's Tavern in Anchor Close, just a few doors down from Smellie's printing shop. Among the members were Smellie, Henry Erskine, and Lord Newton.³⁸

Kerr, in the Life of Smellie, made many disparaging references to Stuart's intemperate habits. The following anecdote reveals the extent of his bibulous passion.

On another ramble of dissipation, Dr. Stuart is said to have taken several days to travel on foot between the Cross of Edinburgh and Musselburgh, a distance of only six miles; stopping at every public-house by the way in which good ale could be found, of which he was remarkably fond. In this strange expedition he was accompanied part of the way by several boon companions, who were fascinated beyond their ordinary excesses by his great powers of wit and hilarity in conversation; but who gradually fell off at various stages of the slow progression.³⁹

In all probability it was with a view to discovering the best glass of Burton that Stuart began this 'ramble'. The results of his researches, however, were not recorded, although it is possible the route he took was a meandering one.

It must be asked why this social pastime became an addictive and indeed fatal activity for Stuart. He lived in an age of heavy drinking; and moderation was not a feature of his personality. Much as he studied and wrote for long periods in isolation and without proper rest or nourishment, he drank

³⁷ Book of the Old Edinburgh Club, III, 163.

³⁸ Burns, when his poems were being printed by Smellie in 1787, attended the meetings of the Chrochallan Fencibles, and there is said 'to have undermined his constitution by excessive conviviality'. *Ibid.*, 164-5.

³⁹ Smellie, I, 503.

convivially and to excess. It was a relaxing antidote to his intensive work habits, but it became an escape from the reality of unfulfilled ambition. Stuart acknowledged in the above-quoted article in the Herald that 'there is a propensity to intoxication from the langour of fatigue...from that of inoccupation, and sometimes from the agitation of misfortune in others'.⁴⁰ In spite of his predilection for drink, or paradoxically because of it, Stuart produced a number of interesting historical works and a mass of perspicuous literary and political commentary. Something of that heated energy which animated his drunken conversations emerges in his writings and gives them a distinctive character.

Just a few days after Stuart's death, John Murray, reflected on his friend's intemperate habits and wrote a letter of warning to their literary associate William Thomson: 'Be instructed by Stuart's example. Inebriety may even prove more fatal to you than to him; it may entail upon you poverty without death; and who would not rather die than become a beggar?'⁴¹

3.5. The Monthly Review

In the Monthly, Stuart established himself as one of the leading critics of new historical and political works in both English and French. This literary periodical was founded in 1749 by Ralph Griffiths. For fifty-four years he edited the Monthly and wrote many reviews himself. Griffiths, as Nangle states, was 'a staunch but fair-minded Whig and Dissenter, but saw no reason why political

⁴⁰ Herald II, 315.

⁴¹ 28 Aug. 1 1786. MC.

or theological views should influence criticisms of such subjects as science and literature'.⁴² Writing of the contributors, he more justly concludes that 'the miserable hacks in legend thus prove to be in fact among the most eminent scholars in the kingdom: in history [John] Gillies and [Gilbert] Stuart'.⁴³ For Stuart, who had demonstrated his Whig politics in the English Constitution, Griffiths was a natural employer.⁴⁴ Stuart's reviews, if taken collectively, challenge Nangle's assertion that the journal was politically impartial. The same passionate republican expression which characterises the English Constitution is generally found in Stuart's literary criticism. Moreover, if the author was known to him, or if the work was published by Murray, a favourable review was produced. Percival Stockdale, a contemporary of Stuart, remarked in his Memoirs (1809): 'The monthly reviewers had not the merit of...moral principles in their decisions; but they had the merit of a boldness; of some fire, and of a sprightly variety, that entertained you'.⁴⁵ It was with the Monthly that Stuart matured as a critic. His experience there encouraged him to return to Scotland in 1773 and ^{establish} the Review, where the 'boldness' and 'fire' which Stockdale observed was brought to his native land.

Stuart reviewed nearly 250 works for the Monthly.⁴⁶ In many reviews, the proportion of excerpted material to critical comment provides a gauge of

⁴² Nangle, The 'Monthly Review', ix.

⁴³ Ibid., viii. Griffiths's papers are in the Bodleian Library: Bod. Add. C. 89-90.

⁴⁴ The rival of the Monthly, the Critical, upheld a largely opposite Tory ideology but was conducted by the Scotsman Archibald Hamilton (and for a time by Smollett). Stuart certainly contributed to it at a later period, and may have while writing for the Monthly.

⁴⁵ Stockdale, II, 59.

⁴⁶ Seventy were full-length articles and about 170 were shorter notices for the 'Monthly Catalogue of Books' (Nangle, 43).

Stuart's interest in the subject of the book, though not necessarily of his approbation of it. For example, the review of Oliver Goldsmith's History of England included many critical remarks. Stuart referred to Goldsmith as 'a man of genius and taste, as his poetical compositions have demonstrated' and praised the author's style. But he objected to Goldsmith's opinion that 'no advantage can result from an acquaintance with nations in their savage and barbarous state'.⁴⁷ Here Stuart noted Goldsmith's ignorance of contemporary historiographical theory, such as that practised by the Scottish conjectural writers like himself. 'Is there no merit', Stuart asked rhetorically, 'in the comprehensive and sentimental picture which the pencil of Tacitus has delineated?'⁴⁸ To Stuart, Goldsmith was a mere 'compiler', out of his literary domain as a philosophical historian.

In the 'Monthly Catalogue', Stuart commented on numerous political pamphlets relating to important affairs and prominent figures of the day. The 1760s and 70s were a period of intensely factional political activity. As Stuart's career advanced, political affairs became a more central feature of his literary activity. By the 1780s, when he was writing in the English Review and Political Herald, politics had taken precedence over literature as his primary interest.

Stuart frequently made the point that writers (historians and novelists alike) should formulate their ideas from first-hand experience. This assertion extended from the important eighteenth-century utilitarian notion that an understanding of the past was necessary for improving the present. Thus in a

⁴⁷ Monthly, 45 (Dec. 1771), 437.

⁴⁸ *Ibid.*

review of the antiquarian John Leland's De Rebus Britannicis, Stuart asserted that 'if the different branches of the prerogative were fully explained, and if the rights to which the people are intitled [sic] were clearly understood, we should not, possibly, have experienced of late, in so great a degree, the heats and animosities of political contention'.⁴⁹ In other words, Stuart believed that a knowledge of history could minimise the differences between the ministry and the opposition. Ignorance, however, promoted faction. The spirit of history (like the spirit of law), in Stuart's rather pessimistic opinion, was rarely found in the latest publications. Such a philosophical approach 'require[s] a force and exertion of penetration, and a delicacy of precision, which are never possessed by ordinary men'.⁵⁰

In one way, these comments can be taken as Stuart's genuine sentiments. Yet in another, they might be regarded merely as the rhetoric of a politically-minded reviewer. Stuart was an advocate of those historical works which studied mankind in all its variety. Nevertheless, those writers of a Whiggish bent clearly fared better in the Monthly.

Stuart also reviewed many romantic novels. There were few he could recommend, but many which he characterised as 'extremely licentious', 'in the highest degree disgusting' or 'the ravings of a deranged mind'. In these reviews, in particular, the emotional extremes to which Stuart was susceptible are apparent. His criteria for judging fiction were based on its capacity to involve the reader in the action and sentiment of the characters. One novel,

⁴⁹ Ibid., 44 (Jan. 1771), 12.

⁵⁰ Ibid., 45 (Dec. 1771), 432, in a review of William Guthrie's General History of Scotland.

Anecdotes of a Convent, achieved this end, as Stuart's comments indicate: 'We feel everything it describes, and are alternately melted with tenderness, sunk in dejection, cheerful [sic] through hope, and exalting with joy'.⁵¹ More often, however, Stuart was 'disgusted' with the books before him. In this frame of mind, he commented more generally on the literature of the mid-eighteenth century:

Literature, in the present age, seems to be reduced to a manufacture; and while the labourer, in this department, regards only the pecuniary recompence he is to acquire, books multiply, without serving the purposes of information or taste. That passion for fame...which made Montesquieu bestow twenty years on the spirit of laws, seems, in a great measure, to be lost. Hence it is that we have...systems of husbandry, by those who have seldom, if ever, seen a plough, and dissertations on points of philosophy, by those men who never looked into Locke, or into Hume.⁵²

Most of the works on which Stuart passed judgement have fallen into obscurity, but a few, such as Mackenzie's Man of Feeling and Dr. Johnson's Thoughts on the Late Transactions respecting Falkland's Island, are of more interest. Stuart knew Mackenzie from his youth in Edinburgh, though it is not obvious that any influence was brought to bear on his behalf in the short review. He commented that, though probably a first work, the Man of Feeling was 'not totally destitute of merit', but added, 'the knowledge of men it contains, appears to be rather gathered from books than experience', and rather unprophetically remarked: 'We should not be disposed to think that he [Mackenzie] will ever attain to any great eminence in literature'.⁵³ Again the idea

⁵¹ Ibid, 45 (Aug. 1771), 144.

⁵² In a review of the New Present State of Great Britain, Monthly, 43 (Aug. 1770),

⁵³ Ibid., 44 (May, 1771), 418.

that the speculations and sentiments of a writer should develop from his interactions in society was affirmed. This, in a sense, was the inductive rhetoric of Stuart's historical method applied to literary criticism.

In a review of Johnson's pamphlet on the Falkland Islands, Stuart similarly asserted this principle but in a political context. He took exception to Johnson's Tory political views, specifically to the animadversions on Junius which occupied a large portion of the pamphlet. Stuart remarked that Johnson's 'literary merit is very considerable', but objected in other respects to the moral tone of his writings.

The present publication is not entirely free from that disgusting petulance and affectation which generally characterises the performances of its Author. Filled with that little vanity, which so frequently attends on contemplative and retired men, he delivers his oracles with an air of the utmost authority; and seems to consider himself as seated on the pinnacle of the temple of wisdom, from whence he looks down with a *sapient disdain* on the reptiles that crawl below him.⁵⁴

Stuart criticised Johnson in other places. He probably adopted this attitude from Hugh Blair whose 'strictures on the style of the Rambler...served as high seasoning to his course' of Lectures on Rhetoric and Belles Lettres.⁵⁵ This was also an example of the irascible and somewhat envious Stuart who gradually was (as he wrote to John Murray) 'more than ever out of humour with every thing in this world'.⁵⁶

⁵⁴ Ibid., 44 (April 1771), 331-2.

⁵⁵ English Review I, 498.

⁵⁶ 16 Nov. 1772. G/1/908.

3.6. Other Editorial Projects

In the course of his career as a reviewer, Stuart earned additional income by editing historical works left incomplete by recently deceased authors. Though Stuart did not confirm the fact in his correspondence, it is recorded that he compiled the final volume of Nathaniel Hooke's Roman History after the author's death in 1770.⁵⁷ Just how much original thinking this project required is difficult to judge. Stuart's lengthy review in the Monthly on the whole censured this volume of the History. It might therefore be that he merely prepared a nearly complete work for the press and had no interest in the sale.

In the review itself, the republican principles associated with Stuart and the Monthly were asserted. Hooke, for example, was criticised for his judgment of Cicero. 'He has censured this great man', writes Stuart, 'with an asperity and keenness which are by no means justified'.⁵⁸ Stuart then entered into a general criticism of the works of modern historians who, in his words, 'have failed in the judgements they have given of those great men who have acted in different situations'.⁵⁹ By contrast, he praised those classical historical compositions which were written by men who acted in the events they recorded. This attitude differs from Stuart's more emotive lament for the primitive freedom of the barbarian in that it is more intellectually and politically grounded. The appeal to the Ancients was related to the Ciceronian notion of the *vita activa*. This was an important part of the social and political discourse

⁵⁷ See GM, 56 (Nov. 1786), 994 and DNB under 'Hooke' and 'Stuart', and EB 7th edition under 'Stuart'.

⁵⁸ Monthly, 45, 172 (Sept. and Oct. 1771).

⁵⁹ *Ibid.*

in the eighteenth century and informed many of Stuart's critical remarks upon the writers of his day. Exceptions, however, were made in some instances, as this curious non-sequitur shows:

While we censure Mr. Hooke and...historians [generally] our candour requires us to make an exception with regard to the penetrating biographer of the Emperor Charles V. [William Robertson], whose genius, it must be allowed, has surmounted the disadvantages of his situation, and who, in the retirement of a college, has been able to discuss the transactions of men, with the experience and discernment of an accomplished statesman.⁶⁰

This praise of Robertson took precedence although it somewhat contradicted his preceding remarks on historians.

On other occasions, he also defended Robertson against the aspersions of other writers. In a review of William Smith's History of England, for example, Smith was criticised as an 'advocate for the divine and indefeasible right of kings' (the same grounds on which Stuart criticised Hume and other historians in the English Constitution and on which he would later criticise Robertson in the Observations). Smith remarked that Robertson's 'intention...was to ingratiate himself with the English, and like a mercenary writer, to present the public with an account of a few modern reigns, in which he advances many well-dressed falsehoods.'⁶¹ Smith's disparaging reference to Robertson's History of Scotland (quoted in the review) might have been written by Stuart at the later period when his antagonism towards Robertson was at its height. This contrast clarifies the literary uses to which Stuart put the critical forum. It is a subject which will be considered further in a discussion of the

⁶⁰ Ibid., 173.

⁶¹ Ibid., 46 (Jan. 1772), 1-2.

Review.

3.7. 'Memoirs of the Isle of Man'

In the spring of 1772, while writing for the Monthly, Stuart was engaged by the publisher W. Nichol to edit and complete Richard Rolt's A History of the Island of Man. Rolt, a prolific miscellaneous writer, had died a year earlier with the work unfinished.⁶² Nichol, as Stuart wrote apologetically to his former employer John Mackenzie, was in 'the greatest haste to have [the history] published'. Stuart added that as a result, 'I much fear, that the work will not be worthy of your inspection'.⁶³ An unfavourable review of Rolt's 'very jejune and uninteresting narrative' in the September issue of the Critical confirmed Stuart's opinion.

The faults it contains admit of no extenuation nor are they compensated by the smallest degree of merit in point of historical composition.... It seems to be incapable of affording the least degree of pleasure even to a Manksman [sic] the most interested in what relates to the history of his country.⁶⁴

Rolt's History was not noticed in the Monthly. Stuart surely could have arranged for or written a review if he had any real interest in the History. He had, however, an important reason for writing to Mackenzie to discount his role in an unsuccessful work. In the course of editing Rolt's compilation, he planned

⁶² See DNB under 'Rolt'.

⁶³ 14 April 1772: Atholl Archive, Box 54 (III) f. 80.

⁶⁴ Critical, 36, 211-3. The book was first noticed in the GM, 43 (July 1772), 341, 'List of New Publications'. The Weekly Mag., 22, 280, called it 'the least instructive or entertaining performance that has been published for a long time'.

his own complete history of the Isle of Man.⁶⁵ To this end, he sought, through Mackenzie, the patronage of the Duke of Atholl. Mackenzie, the legal agent for the Duke and a patron of Stuart's family, was the obvious arbitrator for such a negotiation. To John Mackenzie, Stuart explained his interest in the subject.

A feudatory, but independent kingdom, where the Lord [Atholl] possessed all the flowers of prerogative & all the fruits of revenue, & where the...Laws are sufficiently singular to excite curiosity, offers & forms a subject...important in itself.... It would be some pleasure, too, to record in terms of a proper censure, that low & encroaching policy, which ravished from your noble friend, in contradiction to equity & Laws, a jurisdiction & dignity, which no other subject could boast of.⁶⁶

3.7.1. Historical Background

The Dukes of Atholl and their ancestors, the family of Stanley and Derby, not only owned most of the Isle of Man, but were its feudal princes since 1406, the year Henry IV conferred the Island upon Sir John Stanley. When James Murray, the second Duke of Atholl, died in 1764 his only daughter Charlotte and her husband John Murray (his nephew) became the third Duke and Duchess of Atholl and both entered into sovereign rights over the Island.⁶⁷ Less than one year later, in May of 1765, the sovereignty of Man was lost to the family and annexed to the British Crown by an act of Parliament known as the Revestment. In the early part of the eighteenth century, Government

⁶⁵ A transcript from an extant manuscript of this unpublished work is found in Appendix 3. The manuscript is located in the Manx Museum, Douglas in the Atholl Papers (AP X 43/4).

⁶⁶ 14 April 1772. Atholl Archive Box 54 (III) f. 80.

⁶⁷ James, second Duke of Atholl, succeeded to the Lordship in 1736. He is remembered for promoting legislation requiring trials by jury and for other democratising reforms. See Kinvig, *The Isle of Man*, 115. The best general history is Moore, *A History of the Isle of Man*.

ministers (Pelham and Newcastle) tried to pressure the second Duke into relinquishing his jurisdiction of the Island, but he refused. With the accession of the third Duke to the sovereignty of Man in 1764, George Grenville, the Prime Minister, sought the opportunity of regaining the revenue lost to the government through smuggling from the Isle of Man into Britain. To this end, he wrote to the Duke asking the value of the property, customs revenues, and regalities. Receiving no reply he wrote once again. This time, compelled to answer, the Duke claimed that as he had only recently become the Lord of Man it would be difficult to name a fair price. In a letter to John Mackenzie, the Duke marked out his strategy in this difficult situation:

Our first plan is not to sell it at all if we can decently avoid it; the next is to stave off the sale as long as we can, and, if it must be parted with, to gett [sic] as much for it as we can.⁶⁸

At this open-ended juncture, the negotiation came to an abrupt close with the passage of legislation known as the Mischief Act which was designed to prevent 'the mischiefs arising to the revenue and commerce of Great Britain and Ireland from the illicit and clandestine trade to and from the Isle of Man'.⁶⁹ With this Act, and the military intervention into Man it allowed, the British Parliament, in contradiction to the Duke's sovereign jurisdiction, gained control of the Island's customs revenues. Stuart's comments in the 'Memoirs' with respect to this Act characterise the dismissive manner in which he regarded Grenville's actions.

[The Mischief Act] teemed with absurdities, & displayed a fullness

⁶⁸ 7 Aug. 1774, in the Chronicles of the Atholl and Tullibardine Families, IV, 14.

⁶⁹ 5 Geo. III c. 39.

of corruption, which never degraded, even in the most sanguinary times of Rome, the most degenerate of her statesmen, or the most ferocious of her tyrants (406).

In the words of a more recent Manx historian: 'It is difficult to understand to-day, how any responsible government could have hoped to enforce a law of this type, over a territory which it did not control, except by the use of force or perhaps military occupation'.⁷⁰ Nevertheless, the Mischief Act applied an ultimate pressure to the Duke and Duchess. They were compelled to set out the terms of a sale in which they had absolutely no wish to engage. Under this threat, the Duke asked for approximately £300,000 for the land, customs duties, regalities and other items.⁷¹ In the eyes of the British Government, it was an outrageous sum. But as Grenville was intent only on recouping lost customs revenue, the ministry decided to purchase the regalities and the customs duties alone, paying the Duke approximately £70,000. This arrangement, the basis of the Revestment Act, became law on 10 May 1765. It passed through Parliament with unprecedented speed (eighteen days from the first reading to Royal assent).

Smuggling, also known as the 'running trade', had centred itself around the Isle of Man at the close of the seventeenth century after wars with France put high tariffs on goods imported into Britain. Manx duties, paid to the Lord of Man, remained at a low rate. So goods were first brought to Man and then smuggled into Britain. It was not only Manxmen who gained from such activity. More often the profits went to British merchants who first benefited

⁷⁰ Qualtrough and Scatchard, *'That Island'*, 17.

⁷¹ The exact sum demanded was £299,773: £249,373 for customs, duties, land property, and manorial rights; £42,000 for regalities, and £8,400 for the patronage of the bishopric and ecclesiastical benefices.

from a tax rebate on goods exported from Britain to Man and then avoided import duties by smuggling these same goods back onto the mainland. Through the eighteenth century, measures had been taken to stop the smuggling trade from Man, but these were ineffectual. An article in the Gentleman's Magazine from 1751 stated that Man 'is the great Storehouse or Magazine for the French, and other nations, to deposit prodigious quantities of Wine, Brandies, Coffee, Teas, and other India goods which are carried off in small boats'.⁷² It was estimated that each year £350,000 were lost in customs duties alone to the British Crown by smuggling from the Isle of Man.⁷³

According to Stuart, the Revestment did little to stop smuggling. In the 'Memoirs' he emphasised that after the Revestment, paradoxically, Manxmen were the more involved in such illegal activity.⁷⁴ Stuart wrote:

The evils of smuggling, instead of being suppressed, have grown infinitely more formidable. The smugglers changed their seat, not their practices. Before he sought for a remedy to these grievances, Mr Grenville ought to have inquired into the sources from whence they flowed. These, he would have found, to have been in a great measure, the high taxes imposed by Government (414-5).

With the Revestment, the sovereignty of an independent kingdom was lost. The success of the British Government in the Isle of Man contrasted with their failure to control a not dissimilar situation in the American Colonies.

The Revestment upset a prosperous and autonomous society. The

⁷² GM, 21, (May 1751), 201. For more recent information on smuggling see Jarvis, 'Illicit trade with the Isle of Man 1671-1765', and Wood, Smugglers' Britain.

⁷³ A point reiterated in 'That Island', 10.

⁷⁴ *Ibid.*, 21.

steady flow of trade through Man in the eighteenth century had brought about improvements to the Island especially in its transportation network; bridges and roads had been built, and harbours improved. Following the Revestment, these fell into disrepair and a general economic decline ensued. Besides social and economic disadvantages, the Revestment undermined the Island's political autonomy.

Under its ancient and oddly mixed form of government, the Isle of Man had, until 1765, maintained its independence from Great Britain. On the one hand, the Manx parliament (the House of Keys) was profoundly republican. It was one of the most ancient examples of a representative government. On the other hand, the Island was ruled and much of it owned by a feudal lord. In the age of a centralised and imperialist Britain, the idea of an independent principality so close to the mainland was something of an anomaly. In economic terms, Britain was building an empire that extended from America to India, yet through the eighteenth century it had failed, to its embarrassment and the loss of its revenue, to control trade from a small island off its western shore.⁷⁵

The ancient Manx parliament exemplified the type of Gothic representative government which Stuart had surveyed in the English Constitution. For centuries this legislative body, together with the Tynwald Court, had provided a model system for the Manx people, balancing the autocratic sway of the Stanleys and Atholls. Yet the House of Keys was not even consulted about the political revolution that took place with the

⁷⁵ Ibid., 6.

Revestment.⁷⁶ With this Act, the Duke lost his unique authority and was no doubt insufficiently compensated. But it was the Manx people, whose Island now came under the control of British officials, who were to suffer most.

For Stuart the constitutional issue was of central importance. If the rights of one individual were violated, those of all British citizens were consequently in danger. The protection of property, the primary function of laws and government, was threatened by the Revestment. 'When such an infringement takes place', wrote Stuart, 'men return, in some measure to their first condition; the cement of society is loosened' (412). Following this rather emotional appeal, Stuart referred to instances in the history of Britain and of other less democratic countries when it was proper that 'the state may call for the Land of a Proprietor' (412) and contrasted these with the situation at hand. He cited the familiar example of the abolishment of heritable jurisdictions in Scotland for which the public paid the Scottish nobility £150,000 'not for visible & corporeal inheritances like those of the Duke of Athol[1], but for pride, custom of living, trains of followers & Highland-dress' (413).

3.7.2. Writing the 'Memoirs'

Stuart was enthusiastic about the project and especially determined to attack George Grenville, the initiator of the plan to revest the Island in the Crown. Mackenzie and the Duke, however, were more pragmatic about the usefulness of a history written to protest an event which had taken place seven years earlier. To the Duke of Atholl, Mackenzie thus wrote:

⁷⁶ Ibid., 18.

How far you may think it worth while to Encourage the Scribbling friend of mine further to Indulge his Genius (which I know in such matters to be a good one) I humbly Submit to your own clearer apprehension of things.... I do not know but a well pen'd History might have good Effects with some of the John Bulls & at any rate Justify the Surrender (however Involuntary) made by your Grace & the Duchess under your hands to posterity. If this performance is Execute[d] with Chastity & spirit, I cannot see any harm can result from it.⁷⁷

In the course of the negotiation Mackenzie offered to the Duke the terms on which the history might be written: 'If this fresh performance...suits your taste...then it may be published, if not you will have full power over it, and a fair tryall is worth the price of a picture at Full length'.⁷⁸ Stuart was to receive fifty guineas for the manuscript. The Duke was agreeable, prompted in part by the tardy payment of his Irish Grant.⁷⁹ If the completed work met with the Duke's approbation, Stuart would 'have the whole benefit of the printed impression' as well. Consequently, he put all his energy into the composition. It was a welcome relief to turn from the drudgery of writing reviews to the dignity of historical research. In an exhilarated state of mind he wrote to Mackenzie of the project:

If I do not raise...a goodly Fabric, the fault will lie on my want of ability. I shall exert all that freedom which History can allow me in the freest country in the world; but while I impeach the understanding & integrity of the minister [Grenville], I shall be careful not to descend into the meanness of abuse. The wounds to be inflicted must be mortal, while we behave with all that respectful gallantry, which may be expected from a generous

⁷⁷ 20 April 1772. Atholl Archive, Box 54 (III), f. 80. Atholl's answer on 16 May 1772 (NLS: 1406, f. 182) stated: 'As to the History of the Isle of Man, I should wish to see the present intended Publication and upon that we may Judge if any other steps should be taken and what'.

⁷⁸ Ibid..

⁷⁹ The Irish Grant was paid to Atholl as part of the Revestment settlement and was £900 in arrears. See NLS: 1406, f. 184: Atholl to Mackenzie, 17 May 1772; and f. 193: 5 June 1772 where Atholl wrote: 'I have yours of the 29th Enclosing your agreement for a Manx history which I approve off [sic]'.

enemy.⁸⁰

Mackenzie's reply, copied on the back of Stuart's letter for the Duke's perusal, encouraged Stuart to emphasize the injustice of the Revestment Act and the pittance of remuneration received by the Duke. Mackenzie wrote:

The Greatest Misfortune on that occasion was that of...wreasting a property secured by sundry acts...from any peaceable Subject in a free Country where the Safety of property is the Declard Basis of the Constitution. Had that valuable Object belongd to Earl Temple in place of a Scots Peer of higher Rank Do you think that Mr. Grenville's financing zeal would not have Contrived some other plan for the Increase of the Revenue.⁸¹

Stuart adopted Mackenzie's suggestion, reserving this nationalistic issue for the last paragraph of the history, where he wrote:

It is a reproach to the age we live in, that it is satisfactory to remark, that the Duke of Athole is a Scottish Nobleman. If the principality of Man had belonged to an English Peer, and Mr Grenville had made a similar attack upon it, all the rage of a gallant & indignant people had been awakened. They would have revenged the blow that had been given to their Laws, & to their constitution. the flames of civil discord would again have been kindled; and, the blood of another sovereign might have flowed to expiate their violated rights (141).

Stuart may not have 'descended into meanness and abuse', but his prose style did rise to a nationalistic if not treasonous pitch. This tone is similar to that found in the letters of Junius and in printed materials (speeches, pamphlets, and the like) connected with John Wilkes, both of which were circulating at the time. These comments brought a passionately but well argued protest to a provocative conclusion. The reality of the situation, however, was far less

⁸⁰ 15 July 1772. Atholl Archive, Box 53 (III), f. 149.

⁸¹ 15 July 1772. Ibid., f. 148.

dramatic, for the Duke appeared to have done little to redress the injustice of the Revestment. Ultimately, the Atholl family (due largely to the efforts of the fourth Duke) received over £500,000 in compensation, a sum closer to that which the third Duke had originally requested.

Over the summer of 1772, Stuart gathered materials and began to compose the history. In August he wrote to Mackenzie with an account of his progress:

I send you the first chapters of the Isle of Man.... But do not judge from what is now before you, of what is to be said, when we come to the great branch of our undertaking – the annexation of the Island to the Crown. It is then, that in relation to a certain minister, [Grenville] we must awaken all the contempt, & rouse all the indignation of our readers.⁸²

Four months later, a complete draft was sent to Mackenzie which was then returned with general comments and various editorial changes. Mackenzie questioned the propriety of Stuart's unremitting attack upon Grenville. But Stuart held firm in this regard, asserting that 'I have thought it necessary to express myself in the strong manner I have used: Because the class of men to whom we chiefly address the performance have contracted a kind of insensibility...and because the Public has of late been accustomed to the utmost severity of satire'.⁸³ Stuart looked forward, after putting the work in an 'improved condition', to meeting the Duke of Atholl, from whom he anticipated approbation similar to that of Mackenzie. In January 1773, he again wrote from

⁸² 14 Aug. 1772. NLS: 1480, ff. 102-3.

⁸³ Stuart to Mackenzie, 29 Dec. 1772. NLS: 1480, f. 104-5. Stuart went on to explain his comment: 'You will easily perceive that I allude to the papers of Junius'. It may be that his severe attack on Grenville was prompted by the fact that the minister had succeeded the Earl of Bute in 1763, a figure to whom Scotsmen like Stuart looked to for patronage.

London to Mackenzie to 'acknowledge the having received from you, the Full consideration of Fifty Guineas for "Memoirs of the Isle of Man"'.⁸⁴

In February 1773, Stuart returned to Edinburgh and showed the 'Memoirs' to various friends. To Murray, the intended publisher of the work, he wrote that 'Cullen...is perfectly delighted with it. but I will not send you his card to me on it, lest you should suspect me of vanity'.⁸⁵ One month later he updated Murray on the affair: 'The papers are now with the Duke [in London], & I impatiently expect every post, to hear his decision'.⁸⁶ Even Stuart's father wrote to John Mackenzie inquiring what the Duke 'is to do with regard to the publication'.⁸⁷ In another letter to Murray, Stuart revealed the glaringly high opinion which he had of the work: 'It will be a delightful thing -- one of those monuments, that God Almighty, once in a hundred years, allows a finite creature to create'.⁸⁸

Unfortunately, the 'Memoirs' had not reached such a perfect state. To Stuart's regret they were never published. Why this was so is not specifically known. In the final instance, the Duke may have refused to grant Stuart permission to publish because the work did not meet the required standard and perhaps might harm his present political situation, as there was an election in the near future. A further possibility, however, is that the death of the Duke in July 1774 brought an end to the hope of publication. Stuart, for his part, had

⁸⁴ Ibid., 19 Jan. 1773, f. 106-7.

⁸⁵ 22 Feb. 1773. G/I/910. Robert Cullen.

⁸⁶ 5 March 1773. G/I/912.

⁸⁷ 17 April 1773. NLS: 1480, f. 97.

⁸⁸ 16 Nov. 1772. G/I/908.

received the fifty guineas, according to the bargain, but this sum (perhaps already spent) must have provided him with little consolation.⁸⁹ His 'delightful monument' was doomed to fall into obscurity. As a unified historical narrative, the work is inferior to his more mature narrative productions.

In a review written at this time, Stuart listed the features necessary to produce good historical writing.

It is difficult to give dignity, interest, and variety to a long composition. The happy selection of circumstance, the bright sally of vivacity, the deep and unexpected remark, the characteristic anecdote, the diction now graceful and sublime, now delicate and forcible, have been exhibited by some writers; but they have been of the number of that select few, on whom heaven has bestowed its choicest gifts.⁹⁰

Stuart had not adequately incorporated these qualities into the 'Memoirs of the Isle of Man'. Moreover, the work lacks the balance and clarity which, for the most part, characterises his published works.

The 'Memoirs' are divided into five chapters. The first four are little more than compilations from earlier published works on the Island, while the fifth, a consideration of the Revestment, is wholly original and by far the most interesting. In the first chapter, Stuart reviewed the Island's history from before the invasion of the Romans in Britain to the period where it descended to the Dukes of Atholl. Emphasis was given to the Civil War period.⁹¹ Chapter Two, the shortest, includes a physical description of the Island and a character of the

⁸⁹ Atholl's account book for 28 Nov. 1772 (NLS: 1409, f. 128) lists: 'By [cash] paid Gilbert Steuart [sic] for his Labours relative to a certain History.... 52l. 18s. 9d.'

⁹⁰ *Review*, I, 98.

⁹¹ Walter Scott's account of this period in *Peveril of the Peak* contains some interesting parallels with the 'Memoirs'.

Manxmen. Like the first, it demonstrates rather little original thinking on Stuart's part.⁹² In Chapter Three, he described the government and civil institutions of Man, and in Chapter Four he offered an account of its ecclesiastical constitution. These parts similarly lack those philosophical and particularly conjectural reflections of which Stuart was capable. His picture of Manx society is two-dimensional. Only in the final chapter, on the Revestment, does the reader enter into the sentiments and motivations of those involved and understand the larger political significance of the account.

In January of 1773, while awaiting the decision of the Duke about the publication, Stuart returned to Scotland. At this time he was formulating a plan to establish a Scottish review with William Smellie and William Creech.⁹³ Meanwhile, he had a number of literary projects in progress. From London, John Murray kept Stuart abreast of literary and political news by regularly sending him the Morning Chronicle. To Murray, Stuart in turn reported on new Scottish publications, such as Kames's Sketches of Man and Monboddo's Origin of Language. He also informed him of the prospect of writing a biography of Tobias Smollett.

3.8. The Would-be Biographer of Smollett

It is clear that Stuart planned to write a life of Smollett. Yet like many of his literary projects this one was never realised. In a letter to Murray, he first mentioned the project:

⁹² See The Old Historians of the Isle of Man, ed. Harrison, for short accounts of Stuart's sources.

⁹³ The first number of the Review was not published until Nov. 1773.

I give you this trouble in the view of a work, that will be useful to us both. A life of D^r Smollett [sic] written with taste & spirit and including a criticism on his writings, & a key to his satire & allusions...might bring a hundred pieces to the composer. To execute this undertaking is now in my power.⁹⁴

Commissary James Smollett of Bonhill, the wealthy member of the family, had agreed to supply Stuart 'with original letters which contain almost all the transactions in which he [Tobias Smollett] was engaged'. He was also to have the aid of the Doctor's sister; and to ensure the success of the work 'the Commissary is himself to take the trouble to write to the Doctor's widow for any papers that may be in her possession'.⁹⁵ It is also probable from this and other references that Smollett knew Stuart or that the families were acquainted, if not distantly related.⁹⁶

To the regret of Smollett scholars, the papers mentioned by Stuart have not been located. Further, it is not generally known that Stuart was to have written such a work. Paul-Gabriel Bouce', in an article entitled 'Eighteenth- and Nineteenth-Century Biographies of Smollett', remarked that there 'is by no means the tangible literary proof that Smollett's life was well known'.⁹⁷ Stuart's biography, based on original sources, would have done much to fill that gap. Early biographers of Smollett, faced with a lack of information, turned to fictional works, such as Roderick Random, to recreate Smollett's

⁹⁴ 2 March 1773. G/I/911.

⁹⁵ Ibid.. Smollett died on 17 Sept. 1771 in Leghorn, Italy. His sister, Jane Smollett, was married to Alexander Telfor of Scotstoun.

⁹⁶ Stuart may have met Smollett in June 1766 when the latter was in Edinburgh for a short period. George Stuart referred to Smollett as 'Tobie' a fact which may suggest a familiarity between the two men.

⁹⁷ The article was printed in Tobias Smollett: Bicentennial Essays, ed. Bouce' and Rousseau, 201-30.

little-known history.

In subsequent letters to Murray in the spring of 1773, Stuart asked the publisher to gather anecdotes from those who knew Smollett to supplement those expected from the family. Not long after, he informed the publisher that 'I have not yet got the materials for Smollett; but I am promised them without fail, before the end of Summer'.⁹⁸ A biography of Smollett was a valuable literary property as Stuart's insistence upon secrecy suggested: 'I have reason to think', he wrote, 'that it will be connected with several original pieces, not published & some of them of considerable length. But this to yourself'.⁹⁹ The Smollett papers, however, were not forthcoming.

In the meantime, Stuart became involved in the management of the Review. The plan for a biography was temporarily set aside. In the first number of the periodical (Nov. 1773) an unpublished poem by Smollett was included in the poetry section and in the same number a copy of Dr. John Armstrong's Latin poem on the monument to Smollett at Leghorn.¹⁰⁰ But these pieces probably did not come from the Smollett family materials promised to Stuart.

In the course of editing the Review, Stuart wrote to Murray on 3 December 1775, nearly two years after the project originated, to inform him of further developments: 'We have lately lost Commissary Smollett; & I have just learned, that he has left me a legacy to write a life of his relation D^r Smollett. I

⁹⁸ 22 April 1773, MA.

⁹⁹ 1 May 1773. MA.

¹⁰⁰ Review, I, 25-6 and Knapp, Tobias Smollett, 333-4.

suppose, it is to be accompanied with original papers & letters'.¹⁰¹ In addition to Smollett family papers, Stuart was to receive funds to complete the biography, further suggesting an association between the two families.

With the close of his periodical in August 1776, the plan for the biography was renewed. Stuart's own efforts to procure the papers had been ineffectual. Therefore, the legal assistance of John Mackenzie was sought. To Mackenzie, George Stuart wrote on behalf of his son: 'Never was an author better qualified to write the history of his hero.... The papers the friends are possessed of shou'd also be sent without loss of time. If you see or write to M^r Telfor, [Smollett's brother-in-law] you can let him understand this in your own way'.¹⁰² In the meantime, George Stuart was engaged to write a Latin inscription for a monument to Smollett at Leven erected by the Doctor's cousin Commissary Smollett in 1774. Gilbert translated the inscription into English for the reverse of the monument. Of this affair his father wrote to Mackenzie:

This I did without fee or reward which makes it the more shameful for those who are in possession of his whole estate to grudge such a pittance to a young man [Gilbert] whom I am persuaded M^r Smollett wanted to encourage.¹⁰³

Gilbert himself wrote on at least two occasions to Mackenzie still optimistic that the affair could be brought to a successful conclusion but angry about the way he had been treated.

¹⁰¹ 3 Dec. 1775, MA. A notice of Commissary Smollett's death appeared in the Review, IV, 672.

¹⁰² 19 Jan. 1776, NLS: 1480, f. 98.

¹⁰³ 19 March 1777, NLS: 1480, f. 100. The inscription was 'broken into pieces by mischievous boys throwing stones': wrote J. Mawe to John Pinkerton on 6 July 1800. The Literary Correspondence of John Pinkerton, II, 173. According to Knapp (Tobias Smollett, 334), the inscription was written jointly by George Stuart, John Ramsay of Ochertyre, and Dr. Johnson.

I calculate the sale of the copyright at one hundred pounds; so that I have a sufficient inducement to do the business, & to punish the Doctor's relations by exposing them, if they prove refractory. If avarice is their motive they will deserve all I can say. And after their long neglect, I will not be in a humour to spare them.¹⁰⁴

The answer to the question of the intended biography is found in the correspondence of John Murray. In May of 1777, he wrote to John Moore (whose edition of Smollett's works, with a 'Life', appeared in 1797) to explain the situation: 'D^r. Stuart's Life of Smollet is dropped. The Relations of the latter discouraged the idea, and gave the former a premium, or rather compromised the Legacy w^{ch} was left to D^r. Stuart for the undertaking, in order to lay it aside'.¹⁰⁵

It would have been interesting to have seen Stuart's talent for biography extended beyond that found in his historical character portraits¹⁰⁶ and for literary criticism beyond that found in his reviews. Moreover, it would have been an inestimable addition to literary studies had more been known about the life of Smollett or had further writings of his survived. Instead, Stuart's optimistic plans were again thwarted.

¹⁰⁴ 20 Feb. 1777. NLS: 1480, f. 112. What role Archibald Hamilton, the executor of Smollett's will, had in the affair is not known. In a letter to Murray dated 2 March 1773 (G/I/911), Stuart wrote regarding the gathering of anecdotes: 'Hamilton, with whom I find his [Smollett's] relations are at mortal variance, will be able to give you many curious particulars. This conscientious printer has advanced a very extravagant claim against the Doctor on an open account'.

¹⁰⁵ 5 May 1777. MC.

¹⁰⁶ A feature developed by Stuart in the Review and further advanced in the Reformation and the History of Scotland.

3.9. The 'Life of Gray'

In 1776, Stuart was commissioned to write 'A Short Account of the Life and Writings of Mr. Gray'. This piece was prefixed to John Murray's edition of the Poems by Mr. Gray (1776). Many of the passages in Stuart's twenty-page account appear to have been taken from William Mason's Poems of Mr. Gray to which are Prefixed Memoirs of his Life and Writings (1775). Compare, for example, the following accounts of Gray's sundering with Horace Walpole.

Stuart wrote:

The pleasure arising from his travels, was painfully interrupted by the disquiet which arose between him and Mr Walpole. Their dispositions were different. The pensive and philosophical turn of the former, did not well agree with the gaiety and liveliness of the latter.¹⁰⁷

While Mason wrote:

This defect was occasioned by an unfortunate disagreement between him and Mr Walpole arising from the difference of their tempers. The former being, from his earliest curious, pensive, and philosophical; the later gay, lively, and consequently inconsiderate.¹⁰⁸

Stuart was paid three guineas for the 'Life'. Soon after the publication, Murray wrote to tell him that, 'the work will afford no more. And Mason...is at this moment suing me in Chancery for piracy.... I have written a pamphlet against

¹⁰⁷ 1776 edition, (viii-ix).

¹⁰⁸ Mason, second edition, (London: Dodsley, 1775), 40-1. Gray's description of Glamis Castle in a letter to Wharton and a short character of Gray, both taken from Mason's 'Memoirs', were printed in the Review, III, 243-7. A longer sketch was printed in the same place, 337-44.

the scoundrel.¹⁰⁹ Mason claimed that Murray had printed fifty lines of poetry which, having been bequeathed by Gray and printed in the 1775 edition, belonged to him exclusively. Mason's complaint did not mention the similarities between Stuart's account and his own. This may have been because Mason had himself borrowed portions of his 'Memoirs' from sketches of Gray's life written by James Boswell and William Temple which appeared in the London Magazine in March 1772.¹¹⁰ In his pamphlet, Murray justified his actions on the basis that such borrowing was common practice, particularly by Mason's bookseller, Dodsley. Murray added rather caustically that Mason's 'flimsy genius was never capable of producing...a single line equal' to Gray.¹¹¹ He reiterated the argument afterwards in the Advertisement to the 1786 edition of the Poems, which also includes Stuart's 'Life of Gray'. This piece appeared in other editions of Gray's Poems, most notably in a production from the Bodoni Press (Parma, 1793).¹¹²

3.10. French Translations

While awaiting the materials for the biography of Smollett, and word from the Duke of Atholl on the Manx history, Stuart returned to the study of feudal society. To Murray he wrote enthusiastically from Edinburgh: 'I am in the very heart of the Middle ages... [and] am forming some most showy

¹⁰⁹ 17 May 1777, MC. In the Advertisement to Book II of the English Garden, Mason made reference to Murray when he decried 'the fraudulent practices of certain booksellers'. Quoted in Murray's pamphlet, A Letter to W. Mason...concerning his Edition of Mr. Gray's Poems. And the Practices of Booksellers (London: Murray, 1777), 7.

¹¹⁰ See Boswell for the Defence, 21 and 147; and Murray's Preface to the 1786 edition of the Poems.

¹¹¹ A Letter to W. Mason, 12. The affair between Murray and Mason is mentioned in the Life of Johnson, III, 294.

¹¹² See Appendix 1. and H. C. Brooks, Compendiosa Bibliografia di Edizioni Bodoniane (Firenze, 1927), item 500.

speculations for my Tacitus or introduction to the history of Europe'.¹¹³

At this time, he was engaged by Murray to translate a number of French works into English. One of these was the Abbe' Millot's Elémens d'Histoire Générale (1772).¹¹⁴ Stuart planned to complete this translation with the assistance of Robert Liston, who, as Stuart informed Murray, 'in his present retirement & Leisure is perfectly well pleased to have a capital share in its execution'.¹¹⁵ As to the price, Stuart and Liston were 'both of the opinion that [£]90 or [£]100 for the four volumes will not be too extravagant'.¹¹⁶ Stuart's interest in Millot's historical writings originated eighteen months earlier when he reviewed translations of Millot's Elements of the History of England and Elements of the History of France in the Monthly. Stuart wrote that Millot 'has executed his task with great accuracy and attention',¹¹⁷ but he criticised the translations of both works.¹¹⁸

Subsequent letters to Murray indicate that Stuart began a translation of the General History but that the publisher changed his plans. He explained to Stuart that 'I do not intent to drop Millot but I mean to lay it aside for some time'.¹¹⁹ It may have been thought prudent to wait for Millot to complete the

¹¹³ Later published as the View. 22 Feb. 1773, G/I/910.

¹¹⁴ The first 'ancient history' volumes had recently appeared. The complete work was published over a period of years, 1772-1811, the latter volumes continued by Delisle.

¹¹⁵ 5 March 1773. G/I/912.

¹¹⁶ *Ibid.*.

¹¹⁷ Monthly, 45 (Oct. 1771), 269.

¹¹⁸ The translators were women (Miss Brooke and Miss Roberts). This fact led Stuart to comment: 'It is always with pain that we find ourselves under the necessity of censuring the literary efforts of a lady; but...the respect that we owe to the public will not allow us to manifest our politeness at the expence of our veracity'. *Ibid.*, 368.

¹¹⁹ 13 March 1773. MC.

'modern history' sequel before continuing the translation. The project, however, was not resumed by Stuart or Liston.¹²⁰

Murray had a more profitable French work for Stuart to translate: J. J. De Lolme's Constitution de l'Angleterre. He wrote: 'I have undertaken to produce from you a masterly translation. I flatter my self that you will take some pains'. To tempt Stuart further, he added that 'it may be necessary just farther to make you acquainted that Junius has thought fit strongly to recommend the work in the Authentic Edition of his Letters'.¹²¹ Stuart could expect to earn nearly thirty guineas from the translation. The author had begun his own English edition but Murray thought that Stuart's would be superior. De Lolme was in London at the time and, according to Murray, 'meant to add notes'.¹²² In April 1773, Stuart offered an account of his progress:

With this note you will receive thirty-two papers of De Lolme; and as I am very solicitous that the translation have every advantage, I must beg the favour that I may see the proof-sheets. By this means, a thousand little improvements will be communicated to it.¹²³

In a postscript to a subsequent letter, Stuart questioned the accuracy of De Lolme's ideas when he asked: 'by the way, is this fellow De Lolme perfectly in his senses?'¹²⁴ The translation appeared in 1775 and was reprinted many

¹²⁰ This may have been because Liston was engaged as a secretary to Hugh Elliot in Berlin, and therefore would have been unable to continue the translation. An English translation of the 'ancient' and 'modern' parts appeared in 1778-9, in 5 volumes.

¹²¹ 13 March 1773. MC. The work was first published in Geneva, 1771.

¹²² Ibid..

¹²³ Stuart to Murray, April 1773. MA.

¹²⁴ 20 April 1773. MA.

times.¹²⁵ Stuart reviewed the translation in the Review for October 1775, but was obliged to criticise the author's monarchical view of British history which was antithetical to his own republican principles. There were no remarks on the translation.¹²⁶ On this skill generally Stuart wrote:

It has been often observed, that it is only those who cannot write who will translate; and this, with a few exceptions, will continue always to be the case. Nor is it to be regretted, since the task of translation is certainly unworthy of a man of ability and genius. How many original poems would Pope have written, if he had abstained from Homer? And, is there one who is not sorry to remark the multitude of versions, both in prose and verse, in which Mr Dryden misemployed his time and his capacity?¹²⁷

Translations were seen by Stuart as a quick and easy source of income, not a means of furthering his reputation. Nevertheless, it was a task he engaged in with some degree of competence.

3.11. Sullivan's Lectures

Towards the end of 1772, Stuart was engaged to edit and write an introduction for the second edition of Francis Sullivan's Lectures on the Constitution and Laws of England. Sullivan had been the Professor of Common Law at the University of Dublin. His Lectures, basing themselves on the Germanic (rather than Roman) origin of English Law, were whiggish in their

¹²⁵ It was published by Kearsley, who may have bought the work from Murray. Machelon lists thirty-three English editions of De Lolme's work between the years 1775 and 1868 (Les Idées Politiques de J.L. De Lolme, 6-7).

¹²⁶ Review, IV, 594-602.

¹²⁷ Stuart's closing comment in a review of Justamond's translation of Raynal's History of...the West Indies, Review, IV, 660. For other comments on translation see his review of William Mason's verse translation of Du Fresnoy's, The Art of Painting in the English Review, I (April, 1783), 281-2.

ideology and thus shared many of the political sentiments Stuart expressed in the English Constitution. Both men were among those feudal scholars who, as Fletcher puts it, 'tread very closely indeed on the heels of Montesquieu'.¹²⁸

Stuart had favourably reviewed the first edition of the work in the Monthly. 'Sullivan', he wrote, 'enlightened by reflection, no less ^athen by study, surmounts difficulties, which former investigators were unable to resolve; and divested of those party prejudices...his work neither descends to flatter the crown nor the people'.¹²⁹

Stuart undertook the project shortly after Sullivan's death. It was another instance where such an event created a source of income for him. He wished to dedicate the edition to Lord North, then Prime Minister. North had accepted the honour but subsequently the publishers, Johnson and Dilly, objected to Stuart's choice. Placed in this awkward position, Stuart asked Murray to persuade them to retain the dedication. 'I should appear the tamest idiot', wrote Stuart, 'to withdraw a dedication to so great a man, which he had privately received with uncommon politeness'.¹³⁰ What advantage Stuart gained, or hoped to gain, from this dedication is not known. Apparently, he was still hopeful of obtaining the patronage of the government. He probably solicited North's patronage through Henry Dundas, a former classmate of Stuart. Dundas was appointed Lord Advocate of Scotland in 1775 and wielded considerable power in North's ministry.

If only a token gesture, the dedication to North nonetheless set Stuart

¹²⁸ Montesquieu and English Politics, 87.

¹²⁹ Monthly, 46 (June 1772), 584; the review was continued in 47 (July), 38-47.

¹³⁰ 15 April 1775: G/I/938.

at a distance from the groups in British society who sought to redress the balance of the constitution by reducing executive power. North was, in the words of Christie, the 'arch-enemy of reform'¹³¹ Stuart asserted Whig principles in the pages following his dedication, but, like his comments in the English Constitution, these were not necessarily open to an overtly radical interpretation. They could be used as propaganda for the opposition or the ministry.

Stuart had a typically high opinion of his introductory 'Discourse concerning the Laws and Government of England'. '[It] is excellent', he remarked to Murray, '& of more worth than the whole book'.¹³² The Discourse was basically an abridged history of the English monarchs from the invasion of the Romans to the Restoration. The theme which ran through his narrative is the continuity of British political liberty. This Whig view, a reaffirmation of the thesis of the English Constitution,¹³³ led Stuart to reiterate the basic points of a Whig ideology.

1. He asserted the antiquity of the Commons.
2. He extolled the virtues of the Saxon lawgiver, Edward the Confessor.
3. He claimed that William of Normandy's victory at Hastings was a conquest 'over the person of Harold, and not over the rights of the nation' (xi).
4. He contended that the Magna Charta only reaffirmed the original

¹³¹ Christie, Wilkes, Wyvill and Reform, 214.

¹³² 7 Sept, 1774. G/I/934. In choosing the title, Stuart may have been alluding to Hobbes's Discourse on the Laws of England (1681).

¹³³ Stuart referred to this work four times.

liberty of the people.

5. He criticised the corruption of the Romish Church.

In this thirty-two page essay, the Tory views of David Hume were challenged no less than seven times. 'It is not with pleasure', wrote Stuart, 'that I differ from this great authority; but, no man has a title to enquire who will not think for himself; and the most perfect productions of human wit have their errors and their blemishes' (xii note). Stuart clearly was among those critics who charged Hume with 'presum[ing] to shed a generous tear for the fate of Charles I'.¹³⁴ In Stuart's view, 'no authority and no precedent, no usage and no law, can give a sanction to tyranny' (xxx note).

In April 1775, he informed Murray that the edition was 'entirely finished', but complained that he had not been paid.¹³⁵ For a long period the edition was not published. Murray, on word from the publisher Johnson, explained the delay: 'The first Edition is not gone and till this is at least lower the second will not be introduced to the Public'.¹³⁶ Finally, the work appeared. It was favourably reviewed in the September 1777 issue of the Monthly by Stuart's friend John Gillies. An American edition of Sullivan's Lectures, including Stuart's 'Discourse', was published in Portland, Maine in 1805.¹³⁷

¹³⁴ Quoted in Hume, 'My Own Life' I, xxx.

¹³⁵ 17 June 1774. G/1/930.

¹³⁶ 11 Dec. 1775. MC.

¹³⁷ This was the only work by Stuart to be published in America even though a great deal of contemporary Scottish writing was reprinted there, particularly after the Revolution. See Hook, Scotland and America, 78-92.

3.12. The 'History of Edinburgh'

Another project planned by Stuart was a 'History of Edinburgh'. No published work of this description, however, can be attributed to him. An advertisement for the 'History' appeared in the Caledonian Mercury for 27 November 1773 under a new section headed 'Scottish Literary Intelligence'. Along with mention of Robertson's History of America, Kames's History of Man, Monboddo's Origin of Language, and other centrepieces of the Scottish Enlightenment, was mentioned 'A new History of Edinburgh compiled by Dr. Gilbert Stewart' [sic]. Of this work and others, Stuart remarked to Murray: 'Sullivan is begun and the History of Edinburgh. Both MSS are finished & I will hurry the printing them. I wish Johnson & Dilly would finally settle the payment of the first; ...as to the [last?] Creech is to pay me £100. But the fellow is perpetually in want of Cash.'¹³⁸ In August of that year Murray wrote to Creech of the work: 'The History of Edinburgh may do in Scotland but not much here. I shall like however to publish it for you if agreeable. But in that Case I would not have you to send me at first above 50 Copies'.¹³⁹ The final reference to the work appeared a few months later when Murray inquired of Stuart whether he 'got the cash for the History of Edinburgh?'¹⁴⁰

From these sketchy comments, it appears that this may not have been a major production in the manner, say, of Maitland's compendious History of

¹³⁸ G/I/930.

¹³⁹ 29 Aug. 1774. MC.

¹⁴⁰ 22 Nov. 1774. MC

Edinburgh (1753) or Hugo Arnot's work of the same title.¹⁴¹ One possibility is that it was an overtly political work, written to support (or undermine) one of the factions who vied for control of Edinburgh. This would explain Murray's comment that the work would not be very saleable in London. Another possibility is that such a study would have provided Stuart with another forum to espouse contentious views similar to those found in the pages of the View. In this work, he asserted the original liberty and representation of city inhabitants and attacked the 'monarchical' writers (namely Brady and Hume) who 'enlarge on the low and insignificant state of the towns' (397). Such comments would have been read in the context of the metropolitan movement for parliamentary and borough reform which were gaining momentum in Edinburgh.¹⁴²

3.13. Conclusion

Though Stuart's Edinburgh history, with other projects mentioned above, did not reach the booksellers' shelves, the years 1769 to 1772 were nevertheless ones of productivity and diversity. He had earned a reputation and a steady income as a reviewer. With the former he gained confidence, perhaps over-confidence in himself; with the latter he was able in a limited way to pursue the historical studies which he saw as his true vocation. In moments of optimism, Stuart could turn from the disappointment of the past and look with promise to the future. He reflected on this subject more generally in a review

¹⁴¹ Stuart reviewed Arnot's History in the Monthly, 55 (May 1779), 354-62.

¹⁴² Stuart offered a thorough treatment of this subject in connection with a pamphlet he wrote in 1777 (See Chapter 5) and in the Observations (See Chapter 6). In the Journal, Boswell mentioned his own plan to write a history of Edinburgh - a project he did not complete. Boswell for the Defence, 277 (10 Aug. 1774).

written some years later:

The passion of hope is not easily eradicated or depressed in individuals or kingdoms. No sooner is one subject of hope taken away than another opens to the views of mankind: and it often happens, that the new direction which disappointed expectations give to our exertions, redounds greatly to our advantage.¹⁴³

In London he found both opportunity and friendship, especially in John Murray. The excitement of national politics captivated him. During his stay in the metropolis, public awareness of the potential for political reform had gradually risen due to the success of John Wilkes and of other oppositional elements in society. It was capped off in December of 1773 with the dumping of tea in the harbour at Boston. War was imminent.

Stuart brought something of this challenge to authority with him when in April 1773 he returned in Scotland. His plan to return to London in a few months was postponed for eight years. From the retirement home of his parents in Fisherrow, he wrote enthusiastically to Murray to tell him, 'I have a thousand things to say to you, & a thousand schemes to propose when we meet'.¹⁴⁴ The most important of these was his plan to establish a Scottish literary review. This is the subject of the following chapter.

¹⁴³ *Herald*, II, 386; in a review of James Anderson's Account of the Present State of the Hebrides.

¹⁴⁴ 22 April 1773. MA.

Chapter 4

The Edinburgh Magazine and Review: 1773–6

4.1. Introduction

A detailed account of the whole of this five-volume work is beyond the limits of this chapter. Therefore, it is intended to keep Stuart at the centre of the discussion by examining his contributions and placing them, and the Review as a whole, in appropriate literary, religious, and political contexts.

The format of the Review, and the individualistic quality which Stuart brought to it, established a forum in which issues were debated and opinions expressed. Both as a conductor and critic, Stuart produced a work in many respects representative of his society and his positive association with the Moderate hegemony, yet in others a departure to a new, if idiosyncratic way of commenting on that society.

Stuart's interactions with two establishment bodies--the Scottish clergy and Edinburgh government officials--occupy a significant portion of the Review. From the first number, attempts were made to undermine both the reputation of the Reverend Robert Henry, one of the leaders of the Popular party, and the orthodox views of that group as a whole. Henry was attacked in a short review of his sermon (written by Smellie), and in a longer account of the second volume of his History of Great Britain (by Stuart). In connection with the latter, Stuart challenged the opinion of David Hume, and as a consequence met with the disapprobation of the philosopher's admirers. The criticisms of Henry and Hume are best understood in the context of a religious

debate in Scotland over the rise of scepticism and immorality. Stuart's religious opinions can be discerned in his general comments on this subject. However, they are particularly well expressed in a review of the first volume of Edward Gibbon's Decline and Fall of the Roman Empire.

Robert Henry's brother-in-law was Gilbert Laurie, the Provost of Edinburgh. Stuart charged Laurie with nepotism and corruption. Another target was Lawrence Dundas, who was perhaps the most powerful political figure in Scotland. The faction of Dundas, Henry and Laurie was presented in the Review as a real threat to the interest of the public and implicitly to the Moderate Party. To publicise their corrupt activities and undermine the authority of Dundas, Stuart wrote two anonymous pamphlets. These demonstrate his keen interest in local politics. National affairs also received considerable attention. In their support of the Moderate Party's conservative stand in the American conflict, the editors found another opportunity to challenge the Popular Party.

Stuart's oppositional nature expressed itself in other spheres. In connection with a current pedagogical debate, he wrote another pamphlet, Animadversions on Mr. Adam's Latin and English Grammar. This work has a place in a more general debate over the perpetuation of the Scottish Humanist tradition.

As a result of the controversial preoccupation of the Review, its popularity declined. Stuart's scathing review of Lord Monboddo's Origin of Language, roused the indignation of the public. Publication ceased in August 1776, after three and a half years. In his style generally, but in the Monboddo piece especially, Stuart adopted a engaging, controversialist manner which may have had some influence on Scottish critics of the next generation, though it was unacceptable to his contemporaries.

When examined as a whole, the Review occupies an interesting place in the Scottish critical tradition. It stands between the Edinburgh Review of 1756–7 established by Alexander Wedderburn, William Robertson, Adam Smith and other Moderates, and Francis Jeffrey's 1802 Edinburgh Review. It has been overshadowed by the interest in the contributors of the former and the success of the latter.

4.2. Critic and Conductor

Stuart had been disappointed many times in his short career. The unpublished Manx history, the unrealised Smollett biography, together with constant financial difficulties, were not burdens easily shrugged off. But his ego, if bruised, was large. He therefore retained the hope of a better future and met the challenge of the Review with vigour and spirit. It was not long, however, before a vindictive rather than liberal plan clouded an optimistic beginning.

Harold Thompson, in a biography of Henry Mackenzie, A Scottish Man of Feeling (1951), surveys the development of the Scottish literary review from Wedderburn to Jeffrey, and remarks that, 'it is tardy praise to state that Stuart was the ablest periodical writer that Scotland boasted – or did *not* boast – before Jeffrey'. More generally he comments that the Review showed

a Scottish cosmopolitanism in publishing translations and reviews of German and French works; in politics it was Whiggish and liberal, presenting both sides of the American problem; in religion it opposed fanaticism and at times went pretty far toward a flippant scepticism.¹

¹ Thompson, 341–2.

Stuart was among the first Scottish professional literary critics. 'Edinburgh', writes Lehmann, 'had no room for a superior Grubb Street. Most of these *literati* held preferments in the church or the university, usually both. The remainder had won distinction in the law'.² Stuart was of a new generation of independent Scottish literary men. He had served his apprenticeship in London, where there was a critical market wide enough for two exclusively literary reviews. Afterwards, he returned to Edinburgh in 1772 confident that under his command a Scottish review could achieve a national reputation.

In one of the last pieces Stuart wrote for the Review, he made some general observations on literary criticism and the role of the critic. These show the extent to which he had assimilated those philosophical principles which, in the tradition of Hutcheson and Hume, sought to define a science of human nature. Commenting on George Campbell's Philosophy of Rhetoric (1776), he wrote:

The general principles...of taste, are perhaps to be found in the breasts of all men...who have had their faculties improved either by the composition, or the perusal of productions of genius... Instead of aiding the exertions of true genius [criticism] has often been deemed detrimental to them, by checking the imagination of the author.... To the modern chiefly is owing the high degree of perfection this art possesses. The ancient critics deduce their rules principally from authority...but they seem not to have apprehended, that...its principles were susceptible of scientific deduction.

He continued, perhaps more positively, to say:

The critic...contributes to disseminate the principles of taste. He holds out to public observation, the various merit of the more illustrious publications of present and former times. He deduces

² Lehmann, John Millar of Glasgow, 117.

the laws of criticism from the infallible standards of reason, truth, and nature (V, 325-6).³

It is in the character of a literary critic, writing in the unrestrained domain of his own periodical, that Stuart's fundamental views about religion, politics, men, and manners are most cogently and honestly expressed. An emotionally charged commentary emerges from the dispassionate surface of polite eighteenth-century critical rhetoric. Stuart employed controversy as a tool to engage the attention of the public. In these anonymous writings, one sees him both as an individualistic and insightful observer and as a vindictive and arrogant antagonist.

Stuart relished his position of authority as chief conductor. He brought together a circle of able associates, including Smellie, the printer, and Creech, the bookseller. The skills of these men, with the promise of essays and reviews from others, combined business sense with literary talent. Moreover, the advice and agency of John Murray provided an essential connection with London, where new books were obtained for review, and a wider readership cultivated.

In addition to printing the Review at his shop in Anchor Close, Smellie was responsible for preparing the 'History' section, in which accounts were given of domestic happenings in various countries but particularly in England and Scotland. However, Stuart's interest in local politics was such that he also had a hand in this department.

³ In the next paragraph Stuart praised Lord Kames, the author of the Elements of Criticism, 'who has done more to reduce criticism to a science, than all the writers on the subject ancient and modern, put together' (V, 326). See also Smellie, I, 408-9.

Together, he and Smellie divided four of the six shares in the Review. One further share was distributed to Creech and another to an unnamed bookseller (probably Charles Elliot).⁴ From Smellie's printing-office, Stuart and other contributors prepared the monthly copy. A set of the work, in which Smellie helpfully listed the authors of many of the articles and reviews, indicates the large portion which he and Stuart wrote.⁵ Other known contributors were Thomas Blacklock (the blind poet) the Reverend Alexander Gillies, William Baron (later the Professor of Logic at St. Andrews), the Reverend Nimmo, William Richardson (the Professor of Humanity at Glasgow University) and David Hume. A number of papers were also received from correspondents.⁶

4.3. 'Liberal Views and an Extensive Plan': The Introductory Address⁷

Stuart took deliberate care in composing the 'Address to the Public'.

⁴ A draft copy of the co-partnery agreement, assigns one of the six shares to William Kerr, a surveyor at the Post Office 'to furnish all the Assistance that his office allows him' (Society of Antiquaries Library, Smellie Papers, III, f. 31). However, a letter from Stuart to Murray states that, 'several bookseller's here have applied for the share which Kerr refused & have offered money for it. And perhaps we may deign to induce some one of them with it, if he bleed freely. You stare at all this; and so do I too'. 1 Sept. 1773. G/1/919. It is also possible that Murray had an interest in the Review.

⁵ This list, though incomplete and sometimes inaccurate, is printed in the Smellie, I, 402-7. The set itself has not been located.

⁶ A letter in Archibald Constable and his Literary Correspondents, reads: 'Dr. Muirhead [minister of Urr] was the boon companion of Gilbert Stuart, Mr. Naysmith, Mr. Smellie, and the club which wrote in the Edinburgh Magazine and Review, 1773 etc. He is the author of many of those bitter papers which are ascribed to Stuart and tells some anecdotes of this historian of the Reformation which would not have obtained the approbation of John Knox' (I, 247). Unfortunately, these anecdotes are not extant. The contention that Muirhead wrote many articles for the Review has not been substantiated.

⁷ There is a curious inconsistency among the extant copies of the work (usually bound in five volumes). The first number was published on 1 Nov. 1773. Some copies (British Library and NLS) have two initial November issues. Another (the EUL copy) has both the second and third numbers dated December 1773; and another (in the GUL) begins with an October first number and continues properly. After number seven, the inconsistency was eliminated. This discrepancy may be partly related to the delay in sending copies to London.

The piece was circulated in the autumn of 1773 to attract subscriptions and later affixed to the first volume of the Review. In it, he alluded to the first Edinburgh Review when he wrote:

From the imperfections of former attempts, some instructive lessons may be learned. They evince the difficulty of such publications; they point out the dangers to be avoided; and they ought to excite to greater vigour of execution (I, 3).

To write this preliminary advertisement, Stuart requested John Murray 'to send...all the addresses to the Public on New Works, that you can easily procure.... I have planned, in conjunction with...Creech & an ingenious Printer of this place [Smellie], a monthly Magazine on a very liberal plan'.⁸ With the attempts and failures of other publications in mind, Stuart pointed to 'variety' as the 'great object' of the work and proceeded to outline its format.

One division...will present historical anecdotes and details...facts and relations descriptive of mankind in the different stages of civilization and refinements,...original pieces of poetry, and discoveries and views in all the different branches of philosophy and science.

The other division...will include an account of the more capital literary performances which appear in England, and of every new production which is published in Scotland (I, 4).

Stuart anticipated the appeal of a periodical that incorporated the entertaining features of the popular Scots Magazine and Gentleman's Magazine with serious literary reviews like those found in the Monthly and Critical. For many years, some of the best Scottish literary critics (Smollett and Hamilton in the Critical, MacMillan and Boswell in the London Magazine) had contributed to, and in some cases managed, successful London publications. Now it was time for

⁸ 20 April 1773. MA.

Scotland to boast its own review.

Stuart's expectations were characteristically high. To Murray he wrote: 'The address has already been communicated in confidence to all the Literati of Scotland: And they are all eager to advance the undertaking'.⁹ On the advice of Murray, a sufficient budget was allotted for advertising. Notices for the Review first appeared in the Caledonian Mercury on 16 October 1773 and continued regularly until the thirtieth when it was announced: 'Number 1 of a new monthly work; entitled the Edinburgh Magazine and Review on Monday [1 November] at 8 o'clock will be published, embellished with a handsome frontispiece...and priced at six pence'. Even before the first number was distributed, Stuart revelled in the number of advance subscriptions. He even believed a rumour (as he wrote to Murray) that 'the timid proprietors of the Scots Mag have come to the resolution of dropping their work at the end of the year'.¹⁰ This was not true. But Stuart's confidence was such that he believed it.

4.4. 'To Hunt an Ecclesiastic': Controversy with the Clergy

Important political and philosophical issues circulating in Scottish society were behind many of the opinions expressed in articles and reviews. The contents as a whole indicate that a concerted effort was made to undermine the orthodox views of the Popular Party, by attacking the man who wanted to lead it, Robert Henry. This is not to say, however, that the Review

⁹ 1 June 1773. G/1/917.

¹⁰ 6 Sept. 1773. G/1/ 919. He wrote similarly on 4 March 1774 to Murray: 'Of late I have been looking into the English Reviews, & observe an amazing falling-off. We beat them hollow'. G/1/923.

functioned exclusively as a propagandist tool for Stuart's Moderate associates or that their views about religion and politics were offered as an alternative. More often it served as a forum in which the Popular opposition was condemned rather than one in which Moderate views were affirmed.

The interest of others besides Stuart and the Moderates was brought to bear. Lord Kames, for example, was the particular friend of Smellie, and thus could influence the reviewers when necessary. For the booksellers Creech and Murray, the Review served to promote their publications. Together, these factors shaped the individualistic and sometimes contradictory tone of the work.

The dissemination of sceptical ideas, particularly in the writings of Hume, were perceived to require refutation in a Christian society. The leading Moderate clergy could be friends with Hume, but they could not condone irreligion. Stuart shared this view. For the orthodox Popular Party a more extreme, even antagonist stance was necessary. In this context, a commentator in the Weekly Magazine expressed concern and cynicism about the spread of unorthodox ideas:

Berkeley banished matter out of the world; H[um]e has sent the soul after it; and nothing remains now but ideas. Some succeeding genius may banish these also, and leave the world a perfect vacuum.¹¹

At the time the Review appeared, James Beattie's Essay on Truth (1770) was regarded by many as an antidote to Hume and to a materialist view of human nature. Though Stuart objected to Hume's religious scepticism, he nevertheless

¹¹ Weekly Mag., 22, 243.

separated this aspect of Hume's thought from his other important insights. In this same way he could censure Hume as a Tory historian yet admire the philosophical dimension Hume brought to historical writing.

Stuart's character portrait of John Knox in the Review (II, 517-22) was critical of the reformer in a manner not unlike that found in Hume's History. In a note addressed to the public after this portrait, Stuart offered the pragmatic observation that 'if the *Treatise on [sic] Human Nature* had never appeared, we should not have seen the *Essay on the Immutability of Truth*' (II, 522). But Stuart abhorred fanaticism more than scepticism. On this subject he wrote:

The fanatic is the most dangerous member of society. The violent and uncharitable spirit with which he is animated...render him peculiarly pestilent and fatal. The infidel, from respect, either real or pretended, to the laws, and the interests of morality, does not commonly permit himself to disturb the public peace. His indolence or indifference about all religion induces him rather to satisfy himself with a sneer or a laugh, at the folly and credulity of his fellow creatures (IV, 440).

This theme was rarely out of Stuart's thoughts. In two separate reviews of John Whitaker's History of Manchester (II, 490 and III, 259-60), Stuart praised Whitaker's criticisms of Hume's monarchism while he challenged MacQueen's attacks on Hume's treatment of the reformers.¹² MacQueen, argued Stuart, 'meant possibly to do a service to religion by extolling the characters of the reformers beyond what history or nature will permit; and it is by such well meant, but futile endeavours, that our most holy religion receives its worst wounds' (III, 259).

In the first article in the Review, 'Anecdotes of Scottish Literature',

¹² In Letters on Mr Hume's History of Great Britain (1756).

Stuart followed Hume's model in criticising the fanaticism of the early Scottish reformers. Here he attacked those men who embraced their doctrines 'with more zeal than discretion' (I, 10). Replies to Stuart's unorthodox view were voluminous. Opponents challenged the connection he implied between the fanaticism of the first reformers and that of the orthodox clergy of his day. One critic summarised Stuart's remarks with the following observation: 'It appears the Reviewers are as angry at the living spreaders and maintainers of the reformed religion, as they are at the ashes and memory of the reformers themselves'.¹³

William Smellie was similarly engaged in undermining members of the Popular Party. To this end, he reviewed Robert Henry's sermon, Revelation the Most Effectual Means of Civilising and Reforming Mankind. Smellie's comments met with a rash of criticisms. Of these Stuart remarked to Murray:

We have been attacked from different quarters; & D^r Henry in particular has given a long & dull defence of his Sermon. I have replied to it, with a degree of spirit, altogether unknown in this country. The Reverend Historian was perfectly astonished.... I am about to be persecuted by the whole Clergy; and I am about to persecute them in my turn. They are hot and zealous; I am cool & dispassionate like a determined Sceptic.¹⁴

Neither Stuart nor Smellie could be unaware that their comments in the first number would provoke fundamentalist clergymen. Two years into the encounter, they asserted that the Popular party 'commenced the dispute [while] the editors patiently abstained from any notice of them, till they had carried their fury to an extreme degree of indecency' (V, 46n). This argument must be

¹³ Weekly Mag., 22, 45.

¹⁴ 25 Nov. 1773. G/1/921.

taken as a part of Stuart's controversialist rhetoric rather than as the truth. The Review was intended to fuel to an ongoing dispute.

Many letters about the quality of the periodical appeared in the Weekly Magazine which had reprinted the 'Anecdotes' and other articles from the Review.¹⁵ One correspondent challenged the 'gross abuse which hath been thrown upon' Henry by Smellie, and vindicated the first reformers from the aspersions of Stuart. Turning to the spread of scepticism in society, the writer held up Beattie's Essay on Truth as a corrective to the 'pernicious metaphysical subtleties of Mr. Hume's essays'. Another critic wrote:

The supercilious airs which the reviewers give to their essays, will not convince the understanding, nor force the persuasion of men...into an implicit faith of their opinions; but the glare of composition, the elegance of language, and the high pretensions they assume, may deceive the credulous and superficial inquirer.¹⁶

Stuart was convinced that Henry himself wrote this letter in order to promote interest in his forthcoming History of Great Britain, which was mentioned in the letter. Stuart denied that the reviewers had 'many sceptical friends' and asserted that they were 'in a very strong degree enemies to deists and freethinkers'.¹⁷ Next he challenged the claim that the period of British history discussed in Henry's second volume (i.e. Anglo-Saxon times) was 'almost altogether neglected by modern writers'.¹⁸ This was perceived as an affront not only to the English Constitution, but to Hume and other historians. Henry, for

¹⁵ Weekly Mag., 22, 199-201 and 230-3 for Stuart's 'Anecdotes'.

¹⁶ *Ibid.*, 22, 267. See other similar criticisms of the Review (22, 307-9, 331-3, and 355-8).

¹⁷ *Ibid.*, 279.

¹⁸ *Ibid.*.

his part, publicly denied writing the criticisms and, either naively or rhetorically, added: 'till I read the first number of the Edinburgh Magazine and Review, & this letter of your correspondent [Stuart], I did not know that I had any enemies'.¹⁹

Another opportunity was taken to attack Henry when he was chosen to be the Morning Lecturer at the Tron Church in March 1774. He obtained the post through the influence of Gilbert Laurie. A law suit against the city magistrates as a result was rumoured, but did not materialise (I, 334).²⁰ Such nepotism was not unusual, but criticisms of it were likewise to be expected. Henry's appointment, declared his enemies, was 'in direct opposition to the will of the founder, injurious to probationers in divinity; and dishonourable to the profession of theology' (I, 334). Similarly antagonistic comments were made when Henry was declared Moderator for the 1774 General Assembly. To Murray, Stuart wrote of the appointment: 'The provost's interest will make y^e idiot moderator. It will not however be without opposition'.²¹ Throughout the Review, the misdoings of Laurie and Henry were noted and censured: 'Tis no doubt infinitely below the *servant* of Christ to become the *servant* or *tool* of a party' (II, 723). But this was the nature of Scottish society.

In the spring of 1775, Stuart wrote an account of the proceedings of the General Assembly. In this article, he more clearly expressed his support of

¹⁹ *Ibid.*, 311.

²⁰ In 1768 Henry was appointed minister of New Grayfriars Church through Laurie's influence. In 1776 he was transferred to the Old Grayfriars' Church, one of the most prestigious appointments in Edinburgh, where John Erskine and William Robertson served. Ultimately, Stuart did little to thwart Henry's rather successful clerical career.

²¹ 11 April 1774. G/1/926.

the Moderate Party. The specific issue on which Stuart's report centred was, he acknowledged, 'neither curious nor important' (II, 446).²² He offered a view of the two religious parties and of their various members that is useful as a record of Stuart's own opinions. Of Robertson he wrote:

The Rev. Dr. understands how to lose with a good grace, as well as to win. As the head of a great party in the church, he knows he must sometimes follow, as well as lead; and he is too wise to think of obtaining the affected praise of an hundred enemies, at the expence of losing a single friend (III, 365).

Of the Popular Party he wrote in contrast:

It was not a little surprising to see that party among the clergy, who affect to be thought the most zealous guardians of religion and pure morals, unanimously endeavour to palliate the crime [of Finlay]... They may triumph perhaps on obtaining a majority in the general assembly: but it is a dear bought victory, that is gained at the expence of their zeal for the purity of the ministerial character (III, 364).

Stuart's report on the 1775 Assembly involved William Smellie in an exchange of insults with the Reverend Charles Nisbet, whose speech was severely criticised by Stuart. The correspondence between Nisbet and Smellie appeared in a number of local newspapers as well as in the Review. The substance of it offers information both about contemporary political and religious issues and provides further responses to the Review.²³

²² The debate concerned the 'highly disrespectful and very offensive' manner in which the Rev. Robert Finlay admitted Mr. Thomson to be a minister. The preference of the Popular Party to rebuke Finlay rather than suspend him (the Moderate view) was voted for by a majority. See details: II, 446; III, 356-65; IV, 417-9. Boswell wrote an account of this Assembly in the London Mag. See Boswell for the Defence, 200.

²³ Smellie's correspondence with Nisbet is reprinted at length in Smellie, I, 442-98. It is briefly discussed below in the context of the American Revolution. See IV, 503-4 for a letter to Henry in which MacQueen and Nisbet were called 'unfortunate associates' of Henry in his dispute with the Review.

4.4.1. Stuart's Review of Gibbon

In a review of the first volume of Gibbon's Decline, Stuart returned to the issue of religious scepticism. In his account of the progress of Christianity in the fifteenth and sixteenth chapters, Gibbon clarified the nature of his scepticism. These parts were the source of a great deal of controversy, and were the first to be read in Scotland.²⁴ Stuart found little credibility in Gibbon's assertion that the progress of Christianity was an important cause of Rome's decline. He contended that the subject was in the province of ecclesiastical not political history. Gibbon, he claimed, 'had to go out of his way, to reach a blow at the religion of his country' (V,154). In general, Stuart shared the view of David Dalrymple on the Decline.²⁵

Although Stuart's intention was obvious, the logic of his argument was not entirely clear. He pointed out the subtle ways in which Gibbon undermined established religion by setting the individual's civic responsibility at incontrovertible odds with his religious belief. The reader of Gibbon, in Stuart's words, 'sees his regard for the laws operating against his disrespect for religion, and the fear of being suspected of the *sin of vulgar belief* counteracting his sense of duty to his nation' (V, 154). Speaking more generally of religious sceptics, Stuart offered these remarks:

It is really matter of wonder, no less than of indignation, that men of large views, who own the necessity of religion, and who, in the main, approve of Christianity, since softened by toleration,

²⁴ Shelby McCloy, Gibbon's Antagonism to Christianity (1933), 51.

²⁵ See McCloy, 204-11. Dalrymple wrote An Inquiry into the Secondary Causes which Mr. Gibbon has assigned for the Rapid Growth of Christianity (1786). In the 'Magazine' section of the same issue passages from the Decline on religious toleration were quoted (V, 120-2).

as not only an harmless, but a most useful institution, should take so much pains, as they often do, to shake the faith, and thereby disturb the peace of their innocent countrymen. Were a philosopher able to demonstrate, that, instead of wisdom and goodness, folly and malice were at the head of the universe, he would be an enemy to the human race, if he discovered the secret. But it is perhaps none the least humbling considerations for human nature, that men who affect the title of unbelievers should so often discover that they are governed by that weak and low passion of bigots, the desire of making proselytes (V, 154).

Despite these criticisms, Stuart realised the greatness of the work. He compared Montesquieu, who 'has drawn the outline of this great picture of human affairs, with a masterly hand' with Gibbon who 'with similar genius and spirit, is about to fill the canvas' (V, 145). Stuart chose passages for quotation which illustrate the comprehensiveness of Gibbon's work. He found descriptions of individuals acting at the important moments in history the most satisfying portions of the Decline.

The idea that an important purpose of historical writing is to instruct led Stuart to analyse Gibbon's work from a political perspective. He praised Gibbon for his patriotic and whiggish attitude in the descriptions of political struggle in Rome. The extension of such a view to all governments was clear:

Such a picture of the greatest government the world ever saw...must fill the minds of his readers with horror of a military despotism, and must rouse every Briton to a jealous vigilance over the constitution of his country, lest the corruption of the best government should end in the worst, and the people becoming entirely commercial, effeminate, and luxurious, should leave the use of arms to strangers and mercenaries (V, 153).

In Stuart's view, society is basically a political structure in which religion is but one factor. Christianity (but particularly reformed Christianity) is a benevolent force which should bring men together under what he called 'the powerful

principle of worthy conduct' (III, 41).²⁶ Stuart rejected the concept of 'faith without works' and the orthodoxy associated with it, and considered this a 'source of discord and animosity' in society (III, 41). Civic virtue, the antithesis of fanaticism, was the force which best actuated society. When Britain was convulsed by the violence of the anti-Catholic riots in 1779-80, Stuart qualified, if not clarified, the interdependence of his religious and political views to a greater degree.²⁷

4.4.2. Hume in the Crossfire

The attack on fanaticism and on Robert Henry specifically was reinforced when the second volume of his History of Great Britain was published in March 1774. This affair is perhaps known because of the involvement of David Hume, who wrote a review of Henry's History which Stuart rejected for publication. The circumstances surrounding the suppressed article have been discussed at various times. The most recent account is by Ernest Mossner.²⁸ Henry's History, writes Mossner, 'was subjected to a deliberate campaign of persecution designed for the ruin of the author, such as can scarcely be paralleled in the annals of literature'.²⁹ The main source for Mossner's account is a chapter in Isaac D'Israeli's Calamities of Authors (1812) entitled 'Literary Hatred: Exhibiting a Conspiracy against an Author'. In

²⁶ In a review of Sermons on Practical Subjects by Robert Walker.

²⁷ See Chapters 6 and 7.

²⁸ 'Hume as Literary Patron: A Suppressed Review of Robert Henry's History of Great Britain, 1773' (1942).

²⁹ *Ibid.*, 361. Mossner wrote this article when the proof sheets of Hume's original review were located.

Mossner's words, the piece 'can hardly be improved upon'.³⁰ D'Israeli's account, though based on letters which Stuart wrote to John Murray, gives a sensationalised and negative picture of Stuart. The piece begins with a elaborate characterisation of Stuart in the role of 'literary assassin':

In the peaceful walks of literature we are startled at discovering genius with the mind, and, if we conceive the instrument it guides to be a stiletto, with the hand of an assassin -- irascible, vindictive, armed with indiscriminate satire, never pardoning the merit of rival genius, but fastening on it throughout life, till, in the moral retribution of human nature, these very passions, by their ungratified cravings, have tended to annihilate the being who fostered them.³¹

The accounts of Mossner and D'Israeli are here re-evaluated in a manner which looks beyond the notion that Stuart was simply 'a malevolent genius' (Mossner) or a 'literary assassin' (D'Israeli). Account is taken of the political setting in which Stuart, Henry, and Hume were acting and of correspondence (namely Murray's letters to Stuart) to which neither Mossner nor D'Israeli had access. Although no attempt is made to justify Stuart's malicious and relentless attack on Henry, reasons are offered to explain his behaviour. Ultimately, Stuart's efforts were to little effect. Henry's work was well received and brought the author ample financial reward, a fact which must have embittered Stuart. Henry's History on a 'new plan' appealed to the public. He divided the period of British history from the Roman invasion until the death of Henry VIII into six parts, each comprising a volume. Each volume was in turn divided into seven

³⁰ Ibid., 367.

³¹ D'Israeli, 131.

subjects.³²

A review written by Hume of the second volume of Henry's History was to have appeared in the fourth number. However, Stuart suppressed it in favour of one he wrote himself.³³ The work, according to Henry's biographer, 'was censured with an unexampled acrimony and perseverance'.³⁴ Stuart criticised Henry on several counts. For one, he lacked that quality in an historical writer which separates the mere annalist, or compiler, from the philosophical observer. For another, the History was deemed to be 'diffuse, vulgar, and ungrammatical'. To support this latter claim Stuart listed a number of inaccuracies. To verify the former, he offered the following comment:

It is an observation made by Father Paul, and it has been repeated by Mr Hume, that every performance should be as complete as possible within itself, and should never refer, for any thing material, to other works. This maxim, so judicious, is totally disregarded in the publication before us.... Avoiding with care, whatever was worthy to excite curiosity, he has amassed all the refuse and lumber of the times he would record (I, 270).

The irony of complimenting Hume would only have been appreciated by those who knew of the suppressed review. It is surprising, however, that Stuart avoided an obvious opportunity to criticise the philosopher when he challenged Henry's account of Saxon times. Henry had not adopted Stuart's familiar

³² The subjects are 1. civil and military history; 2. religion; 3. government; 4. learning; 5. arts; 6. commerce; and 7. manners. The 'new plan' was not original. In a review of a later volume (probably by Stuart) it was noted that Henry adopted his plan 'from the method employed by...Goguet', in the Origine des loix, des arts, des sciences... (1758) (English Review, 5 (March 1785), 178). Mossner (362) makes this same point and adds Adam Anderson's Origin of Commerce (1758) to the list of Henry's influences.

³³ Mossner has reprinted Hume's review at the end of his article. It also appears in David Hume: Philosophical Historian ed. Norton and Popkin, 377-88. Stuart's review appeared in two parts: (I, 199-207 and 264-70).

³⁴ Laing, 'The Life of Robert Henry' in the History, I, xi. See also Allibone's Critical Dictionary under 'Henry'.

republican argument, that British political representation and trials by jury dated from the Saxon period (I, 203). But if Hume knew that Henry had criticised the 'pernicious metaphysical subtleties' of his essays in a letter in the Weekly Magazine, the philosopher may perhaps have reconsidered giving his literary patronage.

Stuart's association with Henry dates from a period prior to the establishment of the Review. In July 1771, he had favourably reviewed the first volume of the History in the Monthly.³⁵ It may have been that Stuart wrote this generally commendatory piece at the request of Hume, who, as Mossner tells us, was 'determined to do something tangible for his new clerical protege'.³⁶ Stuart's long-time association with Hume, and the fact the both were in London at the time, makes this a possibility, though Mossner sees Stuart's first favourable review (in the light of the unfavourable second) as evidence of a 'conspiracy...even darker than D'Israeli dreamed of'.³⁷

When Henry's second volume was published early in 1774, it was natural that Hume might again turn to Stuart, who had recently established the Review and with whom he continued to be on friendly terms. Yet Stuart's antagonism (however irrational) towards Henry was such that Hume's efforts would not come to fruition. In a letter to Murray, Stuart wrote of Hume: 'He wanted...to Review Henry; but that task is so precious, that I will undertake it myself. Moses were he to ask it as a favour should not have it Yeah [?] not

³⁵ Monthly, 45, 30-9.

³⁶ Mossner, 'Hume as Literary Patron', 363.

³⁷ *Ibid.*, 367.

even the man after God's own heart'.³⁸

Smellie, in the Literary and Characteristical Lives (1800), offered an explanation of the affair somewhat more sympathetic to Stuart than that found in Mossner or D'Israeli. In his view, Hume's review 'appeared so high-strained, that the Reviewers...agreed that [it] was meant as a burlesque upon the author'.

It was therefore committed to a further consideration to one...who still continued to be of the same opinion, and, accordingly, raised the encomiums so high, that no person could mistake the supposed meaning of the writer.³⁹

When the proofsheets were sent to Hume, he was astonished at the changes the editors had made, and wrote, in Mossner's words 'a letter of strong reproof':

I wish you woud [sic] check your Printer with some Severity for the Freedoms he uses; I suppose to divert himself. He has substituted the Name of Dr MacQueen, whom certainly I did not think of, instead of Dr Robertson, to whose Merit I meant to do some Justice. The last Paragraph which seems to be entirely his own, is also too high a Praise for a new Author like Dr Henry. But, if you want a few Sentences to fill up the Page, I have added them, and beg that you woud take care, that the Printer throw them off faithfully.⁴⁰

The irony of Hume¹⁵ complimenting his antagonist MacQueen (rather than Robertson) would have been especially redolent to the contemporary reader. It is true, on the one hand, that Hume's review was, as Smellie indicated, rather 'high-strained'. 'It is, indeed, wonderful', wrote Hume, 'what an instructive, and even entertaining book, Dr Henry has been able to compose from such

³⁸ 13 Dec. 1773, G/1/922. Both Mossner and D'Israeli misquote this letter.

³⁹ Smellie, 203-4.

⁴⁰ Hume to [Stuart], 22 Dec. 1773. Printed in New Letters of David Hume, Letter 113 (202).

unpromising materials!⁴¹ Such a passage is perhaps not characteristic of a critic of Hume's calibre. Both men, in Stuart's opinion, had not done sufficient justice to the Saxon period of British history by carefully examining the documents (mostly legal) which were extant. But Stuart and Smellie would not have permitted anything but a condemnation of Henry's History to be printed.

The appearance of Stuart's review succeeded in decreasing the sale of the work in Edinburgh. At this time, Henry journeyed to London to muster support for the History. His plan to have Hume's review printed in the Monthly was unsuccessful because Stuart and Murray employed their influence with the editors. To Stuart, Murray wrote on 4 March 1774:

I wish I could transport myself to London to review him [Henry] for the monthly. A fire there, & in the Critical would perfectly annihilate him. Could you do nothing in the latter. To y^e former I suppose David Hume has transmitted the criticism he intended for us. It is precious and would divert you. I keep a proof of it in my cabinet for y^e amusement of friends. The great philosopher begins to doat [sic].⁴²

Two weeks later Murray replied:

I like your review of Henry. Whitaker entertains as contemptible an opinion of his book as you do. Hume's critique is rejected from the monthly. I have just given Hamilton [editor of the Critical] in aid of his review N^{os} 4 & 5 of the Eding. Mag. [i.e. Stuart's review] And these with a conversation I had with him I flatter myself has settled Henry's damnation in the Critical. In the Monthly he cannot expect a better fate'.⁴³

Stuart's vindictiveness towards Henry was extreme. The prospect of the literary

⁴¹ Mossner, 374.

⁴² G/1/923.

⁴³ 21 March 1774, MC.

success of another may have recalled his own stifled career as a historian. Financial necessity forced Stuart to take up the less noble and frequently vituperative pen of the critic. It is difficult, however, to explain why John Murray, a more calm and prudent man, encouraged such behaviour. One year after the commencement of the affair, Stuart's resentment still ran high. 'Poor Henry', he reported to Murray, 'is at the point of death, & his friends declare that I have killed him. I received the information as a compliment, & begged they would not do me so much honour'.⁴⁴ It may have been justice, as D'Israeli and Mossner both remark, that Henry's History sold well. Malicious comments like the above have resulted in a picture of Stuart as a bitter and unsuccessful antagonist. As a consequence, his writings have been more hastily dismissed.

Stuart maintained an extreme dislike of Henry for some years afterwards. When the third volume of the History appeared in 1777, the author visited Murray to discover the nature of Stuart's antagonism. Murray reported the conversation in a letter to Stuart:

I told him I was ignorant of the cause of your hatred, recollected you had once proved his friend [i.e. a favourable review of vol. 1]; And apprehended the too great severity it was said you had used defeated its intention.... What I infer from this opening is either that D^r. Henry wants me to supplicate you in his behalf, or wishes to reconcile himself to me. With regard to myself I do not find that I am much his friend.⁴⁵

Murray made light humour of Henry's supplications, believing, it would seem, that they were motivated by his worries about reviews of his third volume. At the same time, he encouraged Stuart to write another scathing piece. To Henry,

⁴⁴ 3 April 1775, G/1/937.

⁴⁵ 5 May 1777, MC.

however, Murray wrote a conciliatory letter, assuring him that Stuart 'does not think of publishing the review in question' and explaining that he had 'long though [Stuart] carried his resentment too far'.⁴⁶ Stuart prepared a review for the Critical, and Murray reported to Stuart that Hamilton, the editor, was 'by no means displeased with it, altho...he will soften the asperity of some particular expressions'.⁴⁷

Henry complained about the severity of Stuart's review in a public letter in the Critical. Stuart replied with typical severity.⁴⁸ With this exchange, the public side of the controversy subsided, at least until the publication of the next volume. Stuart's disgust with Henry, however, was unassailable. The author of an unpublished poem cannot with certainty be identified as Stuart, but the subject suggests that he could have been the author. It begins:

Here continue to rot,
The writings of D^r. R ____ H ____,
Who, with an indefatigable constancy
And inimitable uniformity of manner,
Persisted
In spite of Age, ignorance and stupidity,
In the arduous task
Of composing a Complete History of Great Britain.
His obstinacy could not be repelled by censure
His Matchless impudence exempted him from shame.⁴⁹

In the aftermath of the Henry affair, Stuart reflected more generally on

⁴⁶ 17 May 1777. MC.

⁴⁷ 12 June 1777, MC. Critical, 44 (July, 1777), 2. In the Monthly 57, (Aug. 1777), 101-7, the work was praised: 'It is in no respects inferior to the preceeding publications, and, in point of composition, it is considerably superior to them'.

⁴⁸ Critical, 316-8 and 318-20.

⁴⁹ SRO: RH4/26A/2-3. Quoted with the permission of Laurence Blair Oliphant.

the state of literature in Scotland. To Murray he wrote: 'There are very few men of taste or erudition on this side of the Tweed. Yet every idiot one meets lays claim to both. For one Robertson or Hume we have ten thousand Henrys and McQueens'.⁵⁰ This was not a view which Stuart held alone. A correspondent to the Review urged Dr. Henry to 'confine your ambition within the sphere of your talents; and do not fancy that you can vie with Dr Robertson or Mr Hume' (IV, 504). In Stuart's opinion, Scotland's 'hotbed of genius' had produced a large amount of inferior literature. Yet it was in this 'hotbed' that he sought to mark out ground in which to cultivate his own historical productions.

4.4.3. Further Challenges

The mass of attacks on the Review prompted some critics to plan another periodical on a seemingly less vindictive plan. Such was the idea of Thomas Hepburn, the anonymous author of A Specimen of the Scots Review (May, 1774). Referring to Stuart and his partners, he wrote: 'The gentlemen....have their hands fully employed in their own defence against numerous and enraged adversaries'.⁵¹ Hume was also attacked.⁵² It is doubtful whether Hepburn intended to do anything more than poke fun at the Review and at various Scottish literati. A reply to the 'Scots Review' appeared in the Review criticising Hepburn's 'attempt to ridicule some very respectable authors and strenuous defenders of truth and virtue' and calling on him to 'be wise and relinquish the Scotian Review' (II, 447-8). Who wrote the verses mocking the

⁵⁰ [early Sept.] 1774. G/1/934.

⁵¹ A Specimen of the Scots Review, 13. The reference here is to a legal action which was brought against the editors of the Review by Walter Jardine, the schoolmaster at Bathgate.

⁵² See Mossner's Life of Hume, 582-3; and Burton's Life of Hume, II, 469-70.

pamphlet which followed is not known, nor is it very easy to make complete sense of the author's seemingly ironic intentions.

By the aid of your friends, in a living secure,
 You may morals despise, and your Saviour abjure;
 These lapses can only be venial in you,
 To the Salvation restor'd by the Scotian Review;;
 No longer with vulgar damnation content,
 Canonize the great H[um]e for a Sage and a Saint;
 Let Vice and her parasites only be true,
 And Virtue a lie in the Scotian Review (II, 447).

The dubious morality of the editors became a focal point for other criticisms. In particular, objection was made against a review in the first number of John Hawkesworth's Voyages in the Southern Hemisphere (1773). Stuart's criticisms were, as usual, scathing; but he also damned the book in a more subtle way. The passages he chose to quote were largely objectionable to the morality of the day. An account of a sexual act between a six-foot-tall man and an eleven-year-old girl, together with descriptions of other curious sexual behaviour in a tribe of Indians observed by Hawkesworth, may have confirmed Stuart's familiar point that the manners of one nation cannot be judged by the standards of another. Still, he knew such accounts would have done little to recommend the book to polite and religious society. Ostensibly, Stuart praised the author, but his true motivations were apparent when he reported to Murray with a degree of remorse that 'Hawkesworth's death makes me sorry that we have reviewed him'.⁵³ An anonymous critic of the Review in the Caledonian Mercury for 27 December 1773 stated that such selections 'tend

⁵³ 25 Nov. 1773. G/1/921.

to destroy all distinction betwixt virtue and vice, modesty and beastly turpitude'.

Was it libertarianism that prompted Stuart to include these explicit passages or was it the wish to shock an unassuming public and raise the ire of the clergy? In any case, this was not a prudent way to advance the reputation of the Review. In the Caledonian Mercury for 20 November 1773 a poem 'to the Conductor of a New periodical Publication' criticised Stuart both for borrowing many of its 'Magazine' articles from other periodicals (a false accusation) and for presenting biased reviews (a true one).

Dear D[octo]r,

You must certainly *go it*
 For you're neither scholar or Poet;
 To the World 'tis perfectly known,
 That in all you compile,
 Though you vary the style,
 Yet you cannot call one work *your own*.

How barefac'd is't then for to praise
 Your own Magazines and Essays,
 When from others yourself must confess,
 Like fire from the flints
 You've drawn out the *hints*
 Of whatever you've sent to the press.

At first curiosity may lead
 Some sensible persons to read,
 A few months; and then they'll give o'er
 This trivial Review
 In which nothing that's *new*
 Can ever be found any more.

[signed] M.⁵⁴

The religious debates which occupy a significant portion of the Review were in many instances interwoven with contemporary political events. In Stuart's mind, the Review had attained a victory over Henry and the Popular Party. Therefore it was time to challenge political figures. On 4 March 1774, he wrote to Murray: 'Our artillery has silenced all oppositon.... Now that the Clergy are silent, the Town Council have had the presumption to oppose us'.⁵⁵

4.5. Politics in the Review

4.5.1. Controversy with Civic Leaders

The Review reported various instances where corruption to the detriment of the public seemed evident. The objection to the preferment of Henry by his brother-in-law Laurie was only one instance of political abuse. Behind these men stood others with real power and considerable wealth such as Lawrence Dundas.⁵⁶ His influence with the ministry in London enabled him to

⁵⁴ In the Caledonian Mercury for 5 Feb. there was printed a humorous 'Extempore on seeing a certain periodical Publication in a double Cover in this severe weather'.

A Storm so hard - What flesh & blood can bear it?
 Nay, things Inanimate begin to fear it:
Sense, quite froze up, lies scatter'd in our streets,
 Whilst Nonsense must be wrapt in double Sheets.
 Nor let the Doctor wonder, that he find
 A Colic should arise from too much wind.

⁵⁵ G/1/923.

⁵⁶ There is a useful biography of Dundas by Lady Haden Guest in Parl. Hist., II, 357-61.

obtain government posts for associates like Laurie.⁵⁷ In the 1770s he was challenged by the party of Henry Dundas and the Duke of Buccleuch. These men, representing the Tory landed interest, were more directly associated with the Moderates.

In the October 1774 issue of the Review, a long account was given of the corruption surrounding the election of Dundas as a member of parliament for Edinburgh. The city council and their newly elected Provost James Stoddart were challenged for yielding to Dundas's influence. Gilbert Laurie also was severely attacked (II, 726). In previous elections (according to Murdoch) Dundas had been 'presented as a citizen made good, and as a wealthy man free of any independence on a great peer'. By 1774, however, he was seen 'as a London politician impervious to the true interests of the town'.⁵⁸ Despite vociferous opposition, Dundas was elected. However, the appointment of Henry Dundas as the Lord Advocate in 1775, signalled the waning of Dundas's influence.⁵⁹

Laurie became a fruitful object of attack for Stuart. Many aspects of his administration were noted as especially corrupt, but his mismanagement of the funds of George Heriot's Hospital was of special interest to Stuart. In April 1774, he wrote an anonymous pamphlet entitled An Address to the Citizens of Edinburgh, Relative to the Management of Heriot's Hospital. The work, he informed Murray, 'included a direct proof of perjury in the Provost [Laurie] in

⁵⁷ Murdoch, The People Above, 127. As patron of Edinburgh, he was able to dictate the selection of Provost.

⁵⁸ Murdoch, 'The Importance of Being Edinburgh', 9-10.

⁵⁹ Murdoch, The People Above, 128. In the 1780s, Henry Dundas rose to unrivalled power and became one of Stuart's prime objects of attack.

repeated instances'.⁶⁰

In format, the pamphlet was modelled on the exhortatory sermons of the day. A passage from Exodus introduced the piece, and the declamatory and moralising tone made an emotional rather than dispassionate appeal to the reader. In brief, Stuart complained that the vast fortune which George Heriot gave to the Town in 1623 to support a charity school had been mismanaged by city officials, the trustees of the school.⁶¹

The relevant social context for understanding this pamphlet is the building of Edinburgh's New Town. Vast funds were necessary to finance this project, and the city was often in difficulty, both because of national economic uncertainty and the avarice of certain politicians. A large portion of the land on which the New Town was being built belonged to Heriot's Hospital. Though 'held in perpetuity', the magistrates, wrote Stuart in the pamphlet, 'have found a method of eluding this, by the most scandalous equivocation that any set of men were ever guilty'. They have 'feued out parcels of ground to their favourites, often at shameful under-rates' (9). In other instances, land was even outrightly sold (10). Continuing his chronicle of abuses, Stuart quoted from a memorial of the magistrates relating to the building of the New Town, in which they claimed the hospital 'was but too rich already, whereas the low state of the town's finances requires greatly to be repaired' (13). Funds were also misappropriated to build the North Bridge even though a separate Act of Parliament provided for this purpose (14).

⁶⁰ Stuart to Murray, 4 March 1774. G/1/923.

⁶¹ Ministers were also trustees, but in a minority position.

Next Stuart turned to attack Gilbert Laurie on particular counts of corruption and incompetence (16–17). He concluded the pamphlet with a report of the most recent instance of improbity: a case in the Court of Session between Walter Ferguson and the magistrates concerning the former's right to build on land feued to him by the Hospital.⁶² According to a condition in Heriot's will, the result of such mismanagement would be to reappropriate the Hospital's funds for the maintenance of poor students at St. Andrew's University. Among the small number of extant copies of this pamphlet one was presented by Stuart to the Earl of Kinnoull, the Chancellor of that University.⁶³ Nevertheless, it seems unlikely that Stuart really wanted the City to lose the Heriot endowment or that he disapproved of the New Town plan. He sought primarily to undermine the authority of Laurie and Lawrence Dundas in order to support his Moderate associates and their political leader, Henry Dundas. Stuart reviewed the pamphlet in the fourth number, the same in which his piece on Henry's History first appeared (I, 212–5). Needless to say, it was a favourable review.

Hugo Arnot, a contemporary of Stuart, remarked in the History of Edinburgh (1779) that the Heriot example was often used to challenge the authority of the Magistrates. He may have referred to Stuart's pamphlet when he wrote:

Nothing can be more groundless and calumnious than that charge of mismanagement and embezzlement of the hospital's revenues, so frequently thrown out against its managers; a

⁶² For an account of this case, see I, 110–1 and 333–4.

⁶³ This copy is in the Edinburgh City Library.

charge suggested partly by Maitland's blunder⁶⁴...but chiefly made use of as a popular topick for scandalizing the magistrates of Edinburgh, when any political job makes it expedient to spread such calumnies.⁶⁵

Nine months later, a second edition of the pamphlet was printed under the new title, Considerations of the Management of George Heriot's Hospital. Stuart added a three-page dedication to Lawrie, 'the Most Impudent Man Alive'.⁶⁶ The sermon format was retained, although an introductory passage from Exodus was exchanged for one from Isaiah. In the dedication, written under the pseudonym Lucius Junius Brutus, Stuart treated Laurie with severity.⁶⁷

The disaffection of the inhabitants [of Edinburgh] is notorious; their complaints and reproaches resound from every quarter; and, whatever your *self-love* may dictate to you, a remedy must be sought for them, though at the expence of your *honour*; or, of what, perhaps, you value more highly, your *interest* (iv).

Unfavourable allusions were made to Lawrence Dundas and his recent election (v). A reference was also made to Laurie's 'first benefactor'.⁶⁸ To Murray, Stuart wrote of the pamphlet: 'Three hundred...sold the morning of publication'. He

⁶⁴ Maitland, in the History of Edinburgh (1753), set Heriot's endowment at £43,608, but Arnot corrected this figure to £23,625. This was an issue raised by Stuart in the 'Address'.

⁶⁵ Arnot, 566-7. Stuart reviewed this work in the Monthly, 60 (May, 1779), 354-62). The review was favourable, probably because Murray was the publisher. But it is evident from correspondence with Murray that the two thought little of Arnot and less of his History. An unfavourable review of Arnot's Essay on Nothing by Stuart appeared in the Review (IV, 723).

⁶⁶ David Mallet (or Bolingbroke) wrote a pamphlet 'To the Most Impudent Man Alive' (i.e. Warburton) in connection with the controversy with Pope. Stuart may have been alluding to this work. See the Life of Johnson, I, 329.

⁶⁷ Lucius Junius Brutus expelled the last of the kings (Tarquin the Proud) in 507 B.C.. He is not to be confused, though perhaps to be identified with Marcus Brutus, who killed Caesar. The 'Letters of Junius' might also be recalled.

⁶⁸ Probably Lord Milton. See Murdoch, 'The Importance of Being Edinburgh', 5.

added with typical exaggeration: 'It is perhaps the strongest paper that ever was written in this country. A prosecution was expected. But did not happen'.⁶⁹ Stuart reviewed the Considerations in the November 1774 issue of the Review, where he wrote:

The liberty of expression, in which the author...indulges himself, may, to many, appear reprehensible. But, perhaps, it is impossible to consider the ruinous state^{to} which Mr Heriot's most magnificent donation has been reduced, without feeling a lively sentiment of indignation (II, 781).

Stuart was generally pessimistic about the capacity of elected officials to act in the best interest of the public. Though he attacked the self-interest which pervaded society, he was perhaps as much subject to it as others. Stuart enjoyed seeing his satires in print and hearing conversations in which the question of their authorship was debated. In an anonymous article, he expressed thoughts which a contemporary reader could not but associate with political events. His comments also have a place in the philosophical discourse about the dangers of social progress in commercial society.

In times of corruption...the representative buys his seat, and sells his vote. Against the prosperity of his country he stakes his particular interest; and, what to him are the miseries of his fellow citizens, or of mankind, when he procures, by promoting them, the costly materials of luxury, and the affectations of a sickly fancy? (II, 696).

A further reason for Stuart to attack Dundas and the Town Council arose over the attempt to remove Adam Ferguson from the Chair of Moral

⁶⁹ 2 Dec. 1775. G/1/935. Another pamphlet attacking Laurie may have been written by Stuart, though there is no evidence to substantiate the attribution: An Examination of the...Conduct of the Town-Council of Edinburgh, from the Commencement of Mr. Laurie's Administration, to the Present Time (Edinburgh, 1776).

Philosophy. Ferguson, a principal member of the Moderate Party, had accepted a post as tutor to the Earl of Chesterfield. The Town Council initially approved of the plan set out by Ferguson and Principal Robertson to appoint John Bruce to give lectures during the Professor's absence.⁷⁰ Soon after, however, they declared the post vacant, probably with the intention of placing James Beattie in the Chair. Stuart supported Ferguson and argued that his dismissal 'would tarnish the reputation of the university, by removing one of its greatest ornaments' (III, 279). The issue of the progress of religious scepticism in Scottish society was not mentioned here, though clearly it was a factor behind this affair.

From praise of Ferguson, Stuart turned to the attack: 'Though it is not to be supposed, that mechanical and uneducated men are proper judges of the qualifications or the conduct of professors, it is yet to be expected, that they would, at least, endeavour to behave with common decency' (III, 279). Dundas, although not named, was implicated as the man who 'is conceived to have planned this pestilential measure' (III, 280). Ferguson, however, was able to retain his chair, and the vital role of the University in political affairs was thus reaffirmed.

4.5.2. The Review and American Affairs

In another context, Stuart again supported Ferguson and Moderate policy when he favourably reviewed Ferguson's pamphlet, Remarks on a Pamphlet Lately Published by Dr. Price (V, 316-25). Ferguson criticised Richard

⁷⁰ See Sher, 138-9 and the Review, III, 279-80 for accounts.

Price's defence of the rebellious Americans.⁷¹ 'Nothing' wrote Stuart of Ferguson, 'can be farther from his wishes, than the establishment of republics in the colonies' (V, 326). Stuart likewise took this opportunity to challenge openly members of the Popular Party, or as he harshly put it, 'the fanatics of Scotland [who] have of late been acting as the friends of America, and disseminating sedition and wildness with an open effrontery' (V, 325).

From the early part of 1774, information about the events relating to the American Colonies had been appearing in the pages of the Review. Since August, there had been a regular section on American news. Portions of pamphlets supporting and opposing the Americans were printed, including Johnson's Taxation No Tyranny (III, 225-7) and Priestley's New Considerations on the Disputes between Great Britain and America (III, 116-21).⁷² Stuart's comments on Ferguson's pamphlet and in other places indicate that he adopted a policy similar to the Moderates own. It was a conservative, pro-government policy which was generally consistent with Scottish public opinion.⁷³ But it is important to note that views concerning America gradually became more polarised from the commencement of the Review in November 1773, at a time when conciliation was sought, to its termination in August 1776, by which time war had been declared.

Members of the Popular Party with their allied Scottish clergymen in America (e.g. John Witherspoon) were given the opportunity to state their

⁷¹ See Sher, 264-8, for an account of the pamphlet.

⁷² See also: Josiah Tucker's The Respective Pleas of the Parent-State and of the Colonies Examined (III, 186-91); John Wesley's A Calm Address to our American Colonies (IV, 632-6); and IV, 507-8, 742-6, 748-51, 753-7); (V, 74-9, 132-6, 187-9).

⁷³ Sher 267 and Hook, Scotland and America, 69.

views. When John Erskine was implicated for 'encouraging rebellious principles', the Review offered him a forum to reply. In a letter (dated October 1775) he insisted that his 'poor endeavours have been used to prevent, not to excite, a prosecuting by force of arms, real or imaginary rights' (IV, 612). By the summer of 1776, however, the moderate manner in which Erskine had been treated was deemed unacceptable. At the conclusion of a review of his pamphlet Shall I go to War with my American Brethren?, a condemnation of Erskine expanded into a general attack on the Popular Party.

This notice, gentle as it is, we should have with-held from the public out of regard to [Erskine's] virtue and piety; if it were not notorious, that, while many of the wild division of the Scottish clergy neglect altogether to offer prayers for our...sovereign, there are others, of whom it is said, that they actually prostitute their pulpits by railing against the government, and invoking the Almighty to crown with success the American arms (V, 271).⁷⁴

Stuart's support of the Moderates in the American affair, though in an anonymous capacity, conflicts to some extent with the republican assertions of his earlier years. It might be suggested that, like many, Stuart's politics became more conservative as war became a reality. But this does not entirely explain his motives. This apparent inconsistency might be attributed to Stuart's role as a propagandist for the Moderates. He wanted to ingratiate himself with them and perhaps win a place as a professor at Edinburgh University. Pragmatism overrode ideology. When Stuart failed to obtain the desired chair, he readopted

⁷⁴ See Sher, 268-9, on Erskine's pamphlet. At this time Smellie came out from under the cloak of anonymity to take an active role in the debate over the American Colonies by engaging in a public correspondence with the Reverend Charles Nisbet. Nisbet, writes Sher, 'was pro-American to the point of scandal during the Revolution and emigrated to Pennsylvania soon afterwards' (268). To Smellie his departure signified victory, but the situation was far more complicated than the rhetorical argument in the public press might suggest.

a more radical political stance and challenged the 'Whig Presbyterian Conservatism' of the Moderates.

4.5.3. Pedagogical Politics: An Attack on Alexander Adam's Latin Grammar

Stuart entered into religious, political, or literary debate with a determination to shape public opinion. In the first number of the Review, he reviewed his own pamphlet, Animadversions on Mr Adam's Latin and English Grammar. This polemical attack was written under the pseudonym of John Richard Busby.⁷⁵ Stuart described his work as 'sixty full pages of the strongest satire & reasoning you ever saw. I am amazed at it. The Rector will be more so'.⁷⁶ The appearance of the pamphlet was announced in a puff (possibly by Stuart) in the Caledonian Mercury for 29 September 1773.

This Publication is a remonstrance against a work which has already done much hurt.... The censure it applies to Mr Adam is every where accompanied with vouchers. It is not an idle piece of wit.... It is a serious performance, and has in view...the improvement of the mode of education in this city. It is therefore entreated that the patrons of the High-School, and those who have children there, will pay a particular attention to it.

Alexander Adam's Grammar was published in May 1772 and since that time had been a subject of vociferous disagreement in Edinburgh literary and pedagogical circles. It was a debate which continued for over fifteen years. Adam intended to replace the Latin Grammar (in Latin) of Thomas Ruddiman with his own Grammar (in English). At a meeting of the University Senatus

⁷⁵ Busby (1606–95), a noted grammarian, was the headmaster of Westminster where his students included John Locke. According to the DNB 'Busby's name has become proverbial as a type of the severest of severe pedagogues'.

⁷⁶ Stuart to Murray, 1 Sept. 1773. G/1/919.

Academicus in November 1772, a committee was formed to consider the issue. Initially, the members 'unanimously expressed a favourable opinion' of the work, but they 'declined giving a final report until they had an opportunity of conversing with the Masters of the high School'.⁷⁷ Principal Robertson made a similar provisional recommendation. But the matter did not come to a conclusion with this. Curiously, George Stuart (the Professor of Humanity) was not on the committee. But he sought through other means to turn opinion against Adam. At the next Senatus meeting, notice was given of the encroachments Adam had made on the teaching of the Latin and Greek Professors at the University.⁷⁸

Family loyalty was one important motive behind the Stuarts' challenge to Adam. It was not only Ruddiman, their mentor and relation, who stood to lose in reputation; George Stuart would suffer financially from Adam's success. As Rector of the High School, Adam argued that it was unnecessary for students to enroll in the University Latin class (taught by George Stuart) if they studied Latin with him for an additional sixth year. As the salary of the Professor was dependent upon enrolment (and already at the low end of the pay scale) it was in the interest of the Stuarts (as Gilbert put it) 'to damn the Grammar'. Gilbert was especially vehement in his attack because Adam, when he came to Edinburgh as a poor scholar, was taught Latin by George Stuart without charge and had been recommended by the Professor as a teacher at Watson's Hospital. He was also taught Greek by William Hunter, the professor

⁷⁷ EUL: Senatus Minutes, 14 Nov. 1772, ff. 212-5. Many well known figures were on this committee: Daniel McQueen, Hugh Blair, John Erskine, and James Robertson. See also Cater, 'James Robertson', 282-3).

⁷⁸ Senatus Minutes, 17 Nov. 1772, ff. 215-8.

of that language. Adam's attempt to introduce a beginners' Greek class at the High School was perceived to be 'an Encroachment of Manifest detriment to the Professor'.⁷⁹ Such favours had been rewarded with ingratitude.

In the Preface to the pamphlet, however, Stuart asserted that it was in the 'interests of education and science' (3) that he wrote the attack. At the outset of the Animadversions, he employed the rhetoric of public interest to justify his condemnation. But his characteristic arrogance was not hidden.

The task I undertake, is, I confess, an unpleasant one; but it may be attended with signal advantages. The prejudice that may happen to a single individual is lost in an enlarged view of utility. I shall be entitled, I perceive, to the thanks of many an anxious parent, and this must console me for stooping to engage a contemptible enemy. One hates to achieve [sic] a victory that is to bring no laurels (4).

Stuart asked John Murray to use his influence so that Adam's Grammar would be treated severely in the London literary press. Explaining his motives, he wrote:

[Adam] wanted, as far as he could to hurt the very people who had advanced him. He joined ingratitude with stupidity. What hurts me more than any thing, he conceived the design of throwing out of the schools, the latin Rudiments of my most worthy & esteemed friend Thomas Ruddiman; & it was for this purpose that he published his Grammar.⁸⁰

The rumour that Stuart had reviewed his own pamphlet solicited vehement replies in the public press defending Adam and challenging the assertion in the Preface of the Review that the editors were 'actuated by honourable

⁷⁹ Senatus Minutes, 17 Nov. 1772, f. 215.

⁸⁰ April [?] 1773. MA.

motives...and never stoop to ill-nature'. In this case Stuart no doubt had the approbation of his father. Little more was necessary.

John MacMillan, Stuart's former employer at the London Magazine, was enlisted to write a 'burlesque song' against Adam. Of this plan of attack Stuart wrote to Murray: 'If the study of the middle ages had not utterly ruined my rhyming talents, I would have written a ballad to be sung through the streets of old Reeky, against this most contemptible author'.⁸¹ Before this time, Stuart had employed his influence in the Edinburgh press to criticise Adam. In the words of Adam's biographer, Alexander Henderson, Stuart 'filled the periodical publications of the day with ridicule and abuse'.⁸² Some of Stuart's satires were written in Latin. One of these, printed in the Weekly Magazine, describes a Roman funeral of the personified Grammar:

In hac Urna jacet quod reliquum est
Libelli inauspicati,
Numquam resurrecturi,
Invita et irata Minerva editi.⁸³

Stuart's pamphlet is most relevant when seen in the context of a general debate in Scotland over the nature of classical studies and over the value of perpetuating a distinctive Scottish humanist tradition. This tradition

⁸¹ Ibid.. The ballad was to be 'a ludicrous Song like the "Warwickshire wag" or any other laughable species of the ballad that he [MacMillan] thought best'. Stuart to Murray, 1 May 1773. MA.

⁸² [Henderson], An Account of Alexander Adam, 55. It was Adam whom Walter Scott praised in the autobiographical 'Ashestiel Manuscript' prefaced to Lockhart's Life of Scott (Edinburgh Edition, I, 32-5).

⁸³ This translates: In this urn lie what remains of an inauspicious book, never again to be resurrected and brought forth reluctantly by angry Minerva.

had been inherited from George Buchanan and promoted by Thomas Ruddiman. George Davie, in the Democratic Intellect (1964) discusses this subject. His description of William Nicholl, one of the masters of the Edinburgh High School, and like Stuart an opponent of Adam, serves to outline the affair in which Stuart was involved.

This boon-companion of Burns was an active defender of the continuing force of the Scottish Humanist heritage in the Edinburgh High School, and when Alexander Adam, the headmaster, tried to supersede Ruddiman's text-books, Nicholl and the other three under-masters joined forces to oppose this departure from the general Scottish pedagogical practice, and after a ten years' struggle got the Town Council to forbid their head to replace the traditional book. Indeed, it would appear that the climax of this successful defence of Scottish Humanism coincided more or less with the publication of Burns's Kilmarnock edition.⁸⁴

The Grammar affair is important in another respect. It marks the first specific instance of a disagreement between Stuart and Robertson. But it is not known whether the Principal did anything more than initially recommend the Grammar. Stuart's efforts may have achieved a localised success. However, Adam ultimately turned public opinion in his favour. Years later, Stuart continued his attack. In a review of Adam's Summary of Geography and History (1785), he remarked: 'If we are to look for his equals, we must...survey the ox, the elephant, and the hippopotamus. Yet he enjoyed the honour of a doctorate of laws; a distinction which we might suppose the animals we have mentioned might procure, for a bribe from...Dr. Robertson'.⁸⁵

⁸⁴ Davie, 218-9.

⁸⁵ Herald, II, 240.

4.6. Failure of the Review

The failure of the Review and the controversial nature of Stuart's personality were intimately related. The mundane managerial and editorial tasks irritated him. To some degree, the contentious tone of the periodical may have been a means of compensating for the drudgery of routine. Stuart entered into disputes with enthusiasm, but if his opponents did not respond, he lost interest and turned elsewhere for controversy. Reflecting on the diminishing sales of the Review, particularly in London, Stuart turned to criticise himself. In a letter to Murray only seven months after the first number, he wrote:

It is an infinite disappointment to me, that the Mag does not grow in London.... But it is my constant fate to be disappointed in every thing I attempt. I do not think I ever had a wish that was gratified; and never dreaded an event that did not come. With this felicity of fate, I wonder how the devil I could turn projector. I am now sorry that I left London; and the moment that I have money enough to carry me back to it, I shall set off.⁸⁶

Had Stuart thought more carefully, he would have realised that his preoccupation with local political and religious affairs was of little interest in London. Yet he was disposed to think that his own concerns would be shared more generally. Edinburgh, for its part, was still a provincial city with its own establishment and opposition.

Stuart's moments of self-criticism, if intense, were short. His anger turned from himself to others, and he burst into a tirade against the literati of the so-called 'hotbed of genius':

⁸⁶ 17 June 1774. G/1/930.

I mortally detest & abhor this place; and every body in it. Never was there a city, where there was so much pretension to knowledge, & so little of it. The solemn fopping & the gross stupidity of the Scottish literati are perfectly insupportable.... Nothing will do in this country, that has any common sense in it. Only cant, hypocrisy, & superstition will flourish here. A curse on the country, & all the men, women & children of it!⁸⁷

Such outbursts of disgust were similarly brief. In the next paragraph, Stuart's wrath subsided and he gave Murray an optimistic report of other projects in which he was engaged. Afterwards, Stuart apologetically expressed regret over his 'hours of peevishness & dissatisfaction', adding rather mysteriously that 'a circumstance had happened, which had broke my peace & ease altogether for some weeks' but offering no more on the subject than that.⁸⁸

By and large, the failure of the Review can be attributed to Stuart. Poor management, provincialism, and contentiousness were evident from the start and altogether unappealing to the public in the long-term. In November 1774, only one year after the publication began, Murray wrote to Stuart imploring him to remember the 'liberal plan' on which the work had originated:

Indolence and carelessness seems [sic] to have seized the whole, and by a continuance of this management the work ^umost perish in a very little time.... For Heavens sake know yourself better than squander your precious time to such an unprofitable purpose. Or does the gratification of your spleen and resentment in a mag against a few obscure individuals recompence you for the odium and poverty you sustain in conducting the work?⁸⁹

Despite Murray's harshness, the best interest of his friend was foremost in mind. To some extent, his remonstrances were heeded. The Review continued

⁸⁷ Ibid..

⁸⁸ 12 July 1774. G/1/929.

⁸⁹ 24 Nov. 1774. MC.

to be produced for twenty more months, though after November 1774 under an altered format. From this time, the 'Magazine' section was largely composed of writings reprinted from other publications.⁹⁰ The 'History' section still remained an original production as did the reviews of new publications. In Stuart's opinion (as he rather sardonically wrote to Murray), the alteration of the Review to a 'complement by adapting it more to vulgar or clerical comprehension will increase the demand for it'.⁹¹ This left Stuart with more time to engage in historical research (namely, the View) and to 'hunt an ecclesiastic', a politician, an historian, or a Court of Session judge as he pleased.

4.6.1. Impudent Attacks: Monboddo's Origin of Language

A primary reason behind the public disapprobation of the Review was Stuart's severe criticisms of the third volume of Lord Monboddo's Origin of Language.⁹² It was unacceptable to denounce publicly a leading figure in Scottish society. Many cancelled their subscriptions as a result.⁹³ Smellie's efforts to alter Stuart's article were unsuccessful; and Stuart could not be unaware of the damage it would do to the Review. Murray told Smellie that he was 'sorry for the defeat you have met with. Had you praised Lord Monboddo, instead of damning him, it would not have happened.'⁹⁴

⁹⁰ A two-column page was introduced in this section. See Stuart's comment on this, II, 786.

⁹¹ Sept. 1774. G/1/934.

⁹² See V, 88-97, 155-64, 208-16, 249-67. See also Smellie, I, 409, 421, 424. Alexander Gillies (and others) wrote the review of the second volume I, 320-8, 367-72, 423-30.

⁹³ John MacLaurin wrote to Smellie: 'My reason, and my only reason, for giving up the Review is the shocking scurrility and abuse in the late articles of it concerning Lord Monboddo's book. I differ in opinion in many things from his Lordship, yet I highly disapprove of the manner in which he has been treated by the reviewers; and every gentleman with whom I have talked...is of the same way of thinking' (Smellie, I, 424).

⁹⁴ *Ibid.*, 410.

Stuart was not one to submit to the dictates of civility. He saw Monboddó as an opinionated and unphilosophical eccentric who, taking advantage of his public position, sought to gain a literary reputation. This view was shared by many members of the Edinburgh establishment (which is not to say it was correct). Stuart expressed his opinion more clearly in the lengthy review itself.

The unsuccessful attempts of this author to acquire the estimation of the public, seem to have affected both his temper and reasoning.... The idea of his own importance, which never forsakes this writer, has also induced him to indulge a strain of unmannerly abuse against those, whom he terms 'the fashionable authors of this age'... (V, 88-90).

It seemed to him that the ancient and the modern literature were at variance; and that he could not testify his admiration of the former, without detracting from the latter (V, 266).

An early biographer of Monboddó wrote in relation to such passages that Stuart 'attacked his book...with all the fierce malignity of a Portuguese inquisitor enjoying the sufferings of a detected Jew; or of an American savage putting his captive to death, amidst every refinement of torture'.⁹⁵

Stuart's dismissive opinion of Monboddó was apparent even before the Review appeared. In June 1773, he wrote to Murray asking that he procure 'as an ornament for our first number...an engraving of the Print of Lord Monboddó in his quadruped form'.⁹⁶ Whether Murray was unable to obtain the print, or thought it more prudent not to encourage Stuart's vindictiveness, is not known. Though Murray had aided Stuart in many of his attacks (particularly upon

⁹⁵ 'Lord Monboddó' in Public Characters 1798-9, 534.

⁹⁶ G/1/918. 11 June 1773. He added: 'it is not to be procured in E^d[inburgh]. They are afraid to vend it here. We are to take it upon the footing of a figure of an Animal, not yet described; and are to give a grave yet satirical account of it in the manner of Buffon'.

Henry), he may have been more hesitant when an important legal figure was involved, for it was the bookseller, not the anonymous editor, against whom an action for libel might be brought. Some months later, Stuart wrote to Murray more specifically of Monboddo's work.

The 2^d volume of Monboddo is published & will appear in our next with Kaims. The former is a childish performance; the latter rather better. We are to treat them with a good deal of freedom, especially the former.⁹⁷

Stuart was not alone in this opinion of the Origin of Language. David Hume wrote to Adam Smith that Monboddo's work 'contains all the Absurdity and malignity which I expected; but is writ with more Ingenuity and in a better Stile than I look'd for'.⁹⁸ In the Preface to the third volume of the Origin of Language, Monboddo expressed his anger over the treatment earlier parts had received in the press. In this context, he reasserted his opinion of the superiority of ancient writers over modern ones, particularly Scots.

I write not for [the 'fashionable authors of this age'], but chiefly for the scholars in England, and for the few that the prevalence of the French learning has left yet remaining in other parts of Europe. If this does not satisfy them, nothing remains but that they should continue to abuse me in Magazines and Reviews, by themselves of some nameless scribblers.⁹⁹

⁹⁷ 4 March 1774. G/1/923.

⁹⁸ 24 Feb. 1773. Letters of Hume, II, 277. Monboddo, as Hume reported to James Boswell, believed the severe remarks in the Review had been written by, or under the direction, of Hume. Boswell reported that 'David seem^d irritated, and said, "Does the scoundrel...say so?" He then told me that he had observed to one of the Faculty of Advocates that Monboddo was wrong in his observations, and gave as a proof a line in Milton. When the review came out, he found this very remark in it, and said to that advocate, "Oho? I have discovered you." Printed in Boswell in Extremes, 14. See also Lehmann, Lord Kames 57; and Ross, 344; Strictures not unlike those found in the Review appeared in the Weekly Mag., 222, 300-2; 23, 358-9. The latter was signed 'A Man without a Tail'.

⁹⁹ Preface, Vol. 3, second ed. (1786), xx. See xxi-ii for Monboddo's diatribe against the reviewers.

Cloyd, a recent biographer of Monboddo, suggests that another factor which may have prompted such severe treatment was the Judge's opinion in the important Literary Property case.¹⁰⁰ The decisions were given in the first months of November 1774, sometime after Gillies's review but before Stuart's. Mondobbo alone, of all the Court of Session judges, decided in favour of the English booksellers over those in Scotland who had been selling cheap reprints of works originally printed in England. He asserted that an author's work belonged to him as a perpetual right and was not limited to a given number of years (as stipulated by an act of Queen Anne's reign). Had this perpetual right been established in law, the cheap Scottish reprint would be illegal. Undoubtedly, the printer Smellie and the bookseller Creech would suffer as a result. By favouring the English argument, Monboddo may, therefore, have opened himself up to attack in the Review.¹⁰¹

London booksellers like John Murray favoured a fourteen-year limit on the exclusive right to publish a work. His associations with Scottish and Irish booksellers, such as Creech and Ewing, eliminated the threat which those outside London posed to those of the old school like Becket, Strahan, and Cadell. When the Court of Session decision against the London booksellers was announced, Murray wrote adamantly to Stuart: 'I have boldly joined against

¹⁰⁰ Lord Monboddo, 49. He writes further: 'Gillies' reviews of Monboddo's second volume were...very models of tact and decorum as compared with Gilbert Stuart's attacks on the third volume' (54).

¹⁰¹ Monboddo's decision on Literary Property was printed in the Caledonian Mercury for 12 Feb. 1774 and in the Weekey Mag., 23, 379. The Mercury (3 March 1774) termed it 'the great literary property case between Donaldson [the Scottish publisher] and Becket [the London publisher and pursuer]'. Boswell remarked after the decision that he 'had tea with Monboddo to triumph over him' (Boswell for the Defence, 215).

their Bill [of Appeal], and shall take every fair step to have it thrown out'.¹⁰²

It would appear that many factors contributed to justify (or at least explain) the severe treatment Monboddó received. Today, however, his works (particularly the Origin of Language) have been rewarded with the scholarly attention they deserve. Monboddó's writings are interesting in linguistic, evolutionary, and anthropological terms.

In August 1776, two months after the Monboddó review appeared, Stuart announced the termination of the Review:

The publishers have to inform the numerous and respectable encouragers of this work, that the publication of it must be interrupted for some months. It will afterwards appear in an improved form; and proper notice will be given of the changes that are intended to be made (V, 392).

The failure of the Review, if self-inflicted, must have discouraged Stuart. Did he examine his own acrimonious behaviour? Or, what is more likely, did he attribute the failure to the limitations which society placed on the function of journalism? The Review is not mentioned again in his extant correspondence, which may suggest that he viewed this period of his life with some bitterness. Yet he did not forsake the career of a literary critic entirely. He continued to write reviews for London periodicals, and when he returned there in 1783, he became an active contributor to the Monthly, and had a share in two new publications, the English Review and the Political Herald.

To a certain extent, Stuart's literary criticism diverged from the

¹⁰² 21 March 1774, G/1/924. The London booksellers published the works of Robertson and other Moderates. In this fact may lie another source of the animosity which developed between Stuart and Robertson.

traditional tone of the mid-eighteenth-century review. An exercise in cursory judgement and lengthy quotation became in Stuart's hands a display of creative, if often vituperative, journalism. His reviews were designed more to entertain than to recommend or reject the book under consideration. He attempted to transpose the formulaic review into an editorial article in which his opinions on certain subjects were expressed. Often, however, these were marginally related to the work at hand.

Controversy was introduced for its own sake and for Stuart's self-satisfaction. But primarily it was there to engage the attention and incite the emotions of the reader. It was this approach which, thirty years later, contributed to the success of Jeffrey's Edinburgh Review. Yet in Stuart's day, it met with opposition, both from those writers who were unaccustomed to be criticised and from the public. Stuart certainly lacked Jeffrey's critical refinement. Often, attempts at controversialist journalism deteriorated to slanderous attack. But it may have been through his somewhat misdirected efforts that the function of criticism was redefined.

4.7. Conclusion: Three 'Edinburgh Reviews'

In the history of the Scottish literary periodical, Stuart's Review occupies an obscure place between two similarly titled and better known works. The first is the short-lived Edinburgh Review of 1755-6.¹⁰³ The second

¹⁰³ See Sher, 68-72 for an account of the periodical. Evidence of Hume's participation is supported by a copy annotated in his hand which was recently sold at auction.

is the long-running Edinburgh Review (1802–1929).¹⁰⁴

It is not the similarity of title alone that makes Stuart's periodical important in the history of Scottish literary criticism. The Review appeared at a time when new publications were filling the bookseller's shop and religious and philosophical debate was heard in the tavern, the lecture room, and the kirk. In the political domain, affairs in the American colonies were rising to a crescendo. As a consequence, the Review became a forum for a range of opinions about culture and politics.

In the Preface to the first Edinburgh Review, Alexander Wedderburn described the cultural setting out of which the idea of a Scottish literary review developed. Since the 1707 Union, Scottish writing and publishing had advanced to a level rivalling other European capitals. It was therefore decided that important philosophical and scientific works produced in Scotland should be discussed in a public forum. Wedderburn contended that 'the shewing men the gradual advances of science, would be a means of inciting them to a more eager pursuit of learning, to distinguish themselves, and to do honour to their country'.¹⁰⁵ To forward this undertaking, the best minds of the generation were enlisted.

Wedderburn's hopes for Scottish literary criticism, however, were not entirely realised. There were, for one, an insufficient number of newly published Scottish books of importance to sustain a national review. For another, the

¹⁰⁴ See Clive, Scotch Reviewers. Clive offers some useful comments on the first Edinburgh Review (21–2), but does not mention Stuart's periodical. See Roper, Reviewing before the Edinburgh; and Couper, The Edinburgh Periodical Press, II, 132–5.

¹⁰⁵ Preface, iii.

Moderate Party bias of the editors, particularly in their reviews of religious works written by the more orthodox clergymen, met with open opposition.¹⁰⁶ After two numbers, the Edinburgh Review was discontinued. The Moderates' control over Scottish institutions was still in a developmental stage in the mid-1750s. It was not until the 1760s, when Lord Bute's interest at the Court of George III made itself felt, that the Moderates themselves gained a confirmed influence over Edinburgh establishments.

By the time Stuart's Review was established seventeen years later (in 1773), the Moderates had moved to the controlling centre of church and civic politics. Clearly though, they were not without the vociferous opposition of the Popular Party and of Lawrence Dundas. Stuart had many long-standing connections with Moderates, especially with their leader William Robertson.¹⁰⁷

In 1802, nearly fifty years after the first Edinburgh Review, another periodical of the same name was founded by Francis Jeffrey. The first had been written by clergymen (with the exception of Wedderburn); Stuart's was prepared by men with clerical, medical, and legal training; and finally this last was largely the product of lawyers. Literary criticism in Scotland was becoming more secular. In the short Preface to the first volume, Jeffrey confidently outlined his editorial policy: only those 'works that either have attained, or deserve, a certain proportion of celebrity' would be reviewed.¹⁰⁸ The provincialism of Wedderburn and Stuart was judiciously set aside in favour of

¹⁰⁶ Sher, 70.

¹⁰⁷ As late as November 1775 Stuart was in close association with Robertson. In a letter to Murray concerning the publication of Robertson's History of America, Stuart wrote: 'the conclusion of the affair may be left to y^e principal & me'. 2 Nov. 1775. MA.

¹⁰⁸ The Edinburgh Review, I, Preface, (1802).

cosmopolitanism. While it is true that the earlier periodicals reviewed works by English authors, it was their accounts of ephemeral Scottish works (namely sermons and pamphlets) that were perceived to have given their productions a provincial quality.¹⁰⁹ Jeffrey's review, by contrast, added to the literary reputation of Scotland, not by emphasising the merits of Scottish works but by dictating literary taste and judgement from Scotland. Before long, this quarterly had become the most widely circulated literary journal in Britain.

A common theme of political and social liberalism runs through the three Scottish reviews. In the first, writers who modernised their religious views within the framework of a post-Newtonian science of man, challenged the orthodoxy of the Scottish Church. In the second, the freedom of expression was asserted (however indiscriminately) against the fanaticism of members of the Popular Party, the corruption of politicians, and the eccentricity of literary figures. In the third, radicalism and the movement to reform society provided new political direction. For the 1756 Review, the most important political event was the commencement of the Seven Years' War; for Gilbert Stuart it was the conflict in America, and for Jeffrey the French Revolution. Through the accounts of these events, a common spirit of liberty -- liberty of man and liberty of the press -- was expressed.

Nicholas Phillipson has drawn a useful analogy between the 1756 and 1802 Reviews in the context of the development of Scottish society, particularly of a Scottish liberal tradition: 'Wedderburn', he writes, 'had thought as a child

¹⁰⁹ See Adam Smith's 'Letter to the Authors of the Edinburgh Review at the end of the second number (63-79) in which he suggested that the editors consider only those works that 'have yet a chance of being remembered for thirty or forty years to come'. John Murray offered a similar criticism when he wrote to Stuart: 'There are complaints that you pay too many compliments to Scotch authors. You ought to be more general'. 21 March 1774. MC.

thinks, of manhood as a state to be eagerly looked forward to. Jeffrey, for his part, looked back to childhood from his manhood with rosy nostalgia'.¹¹⁰ Gilbert Stuart and the Review also have a place in this context. They may be seen as the period of Scotland's adolescence, or to borrow from Keats, 'the space of life...in which the soul is in a ferment, the character undecided...[and] the ambition thick-sighted'.¹¹¹ One contemporary critic wrote of Stuart that he was 'full of the arrogant confidence of youthful genius'.¹¹² On the one hand, Stuart sought to 'spread Knowledge, and to difuse Taste' to an intelligent public (II, 395); on the other, he was rebellious towards religious and civic establishments and contemptuous of a number of eminent literary figures.

The Reverend Alexander Gillies, one of the contributors to the Review, spoke more positively in a letter to William Smellie.

Such a Magazine is a right thing in our country. The Scotch have sense enough to instruct, and wit enough to divert one another.... Thus the flimsy, frivolous things that come from London, to steal our money and vitiate our taste, will remain in the land of their nativity.¹¹³

Pride in the accomplishments of his country and the audacity to criticise whatever, or whoever, he found objectionable were central elements of Stuart's journalistic attitude. Stuart wrote original character portraits of important Scots, among them, Mary Queen of Scots (I, 57-8), John Knox (I, 517-22), George Buchanan (242-6), William Carstairs (I, 124-6), Alexander Monro I (I, 337-43),

¹¹⁰ Phillipson, 'The Scottish Whigs and the Reform of the Court of Session', 81.

¹¹¹ Preface to Endymion.

¹¹² Quoted in 'Lord Monboddo' in Public Characters of 1798-9, 538.

¹¹³ n.d., Smellie, I, 419-20.

Archibald Pitcairne (I, 360–4), John Arbuthnot (I, 417–20), and George Drummond (I, 580–3).¹¹⁴ Each of these figures had made a distinctive contribution to Scottish culture. By praising them, Stuart sought to instill civic pride in his countrymen.

In conducting the Review itself, he endeavoured to improve society by establishing principles on which literature could be evaluated, and, based on these same principles, on which public figures could be judged. This may be called a science of criticism. Clearly, he fell short of this. None felt the disappointment more than Stuart. Out of this endeavour emerged two prominent yet conflicting forces. One manifested itself in the increasingly controversialist tone of his subsequent writings. This quality drew attention to what he had to say and won him a modest degree of public approbation. The other was a force, derived from the same controversialist manner, but which caused him to sacrifice the cogent expression of his ideas to the excessive expression of his vindictiveness. This mixture is nowhere more apparent than in the View, the central work of the next chapter.

¹¹⁴ He expanded on this literary genre in the portraits in his historical works. See Chapter 7 for Stuart's literary sources on this subject.

Chapter 5

Views of Society: 1776–8

5.1. Introduction

By the mid 1770s, Stuart was well known as a critic of political and historical works. But it was not in this role alone that he wished to gain a reputation. 'If I had been born to independence', he had remarked of reviewing to Murray, 'I should sooner have been nailed like an imposter to a tree, than have submitted to it'.¹ Therefore, following the close of the Review, Stuart redirected his attention to historical writing. It had been nearly ten years since the English Constitution appeared. The 'Memoirs of the Isle of Man', written in the early 1770s, was never published. Now was the time for Stuart to establish himself as an historian. To provide himself with income, however, he occasionally supplied London editors with literary reviews.

The first product of this renewed scholarly application was A View of Society in Europe in its Progress from Rudeness to Refinement (1778). It was a project which engaged him for nearly half of his adult life and which he referred to in the Conclusion of the work as the 'aspiring fruit of my studies and ambition'. The View met with moderate success in Stuart's lifetime, and somewhat more afterwards. It appeared in eight editions between 1778 and 1813 and was translated into German and French.²

The publication of the View also marks the point at which a rift

¹ Nov. 1773. G/1/921.

² See Appendix 1.

developed between Stuart and William Robertson. On this subject, Murray told Robert Liston: 'Dr. Stuart's Book is published and an irreparable Breach has taken Place betwixt Dr. Robertson and him'.³ This animosity continued to widen until Stuart's death in 1786. It was largely the result of his failure to obtain the Professorship of Public Law at Edinburgh University. Stuart attributed this to the Principal's influence. Angered and disappointed, he may have altered the text of the View by adding criticisms of Robertson. No manuscript or proof of the work is extant to confirm this, but references in his correspondence with Murray support the idea. Further, Stuart also took up his pen as a pamphleteer and wrote a piece against Henry Dundas (the patron of the Moderates), supporting the rival party of Lawrence Dundas. Stuart now supported those he had before opposed. For his role in the affair, he became the object of a satirical attack in a pamphlet written for the rival side.

Both in the role of pamphleteer and historian of the middle ages, Stuart preferred the polemical tradition of Pitcairne and Ruddiman to the dispassionate impartiality of many of his contemporaries. In the View, he therefore challenged the opinions of Robertson, Kames, and Millar. He also applied a corrective to the political views of Hume and other 'advocates for tyranny', as he had done in the English Constitution.

At nearly every opportunity, Stuart applied a Whig paradigm to the study of social progress. In the English Constitution, the ancient liberty of the Saxon barbarian was nostalgically evoked and set against Norman oppression. In the View, the utility of the feudal system in its original mutually beneficial

³ 13 April 1778. MC.

condition was similarly praised and contrasted with its subsequent corrupt state. A Whig interpretation was thus implied: the people had been oppressed by the monarchy; or, in more contemporary language, the influence of the Court was too great.

There is another political theme to be associated with Stuart's picture of Norman oppression. The publication of the View may have served to heighten anti-French sentiment in Britain, as war with France (declared in 1778) carried with it the danger of another 'Norman Conquest'. France was Britain's main rival in the late 1770s, as it had been through much of Stuart's life. The events of the Seven Years' War and the current American conflict, though not mentioned in the work, may therefore have formed a backdrop to Stuart's mediaeval inquiries. It was perhaps another consequence of the current national threat that a significant portion of his narrative concerns the history of the feudal military system. This would have recalled Scottish attempts to re-establish its militia, particularly Lord Mountstuart's bill of 1776.

An analysis of the View itself would, to a certain extent, be repetitious of the discussion on the English Constitution.⁴ As in this first work, the concept of property, and its development from an object of communal to private care, provided a framework for the discussion of the manners, laws, and government in Europe during the period after the fall of Rome (2).

A study of the View is perhaps most relevant in the context of two other works written in the same period: 1. William Robertson's introductory volume to the History of Charles V (1769), entitled 'A View of the Progress of

⁴ Stuart often directed the reader to sections of the work (138, 148, 248, 212, 269).

Society in Europe, from the Subversion of the Roman Empire, to the Beginning of the Sixteenth Century'; and 2. John Millar's Observations concerning the Distinctions of Ranks in Society (1771). More attention however is given to a comparison with Robertson's work. Stuart and Millar shared many basic ideas, but it was the 'View of Europe' which Stuart continually supplemented and controverted. Stuart knew Robertson and Millar well and the three undoubtedly influenced each other. Though the subject matter which engaged them was similar, each went about his inquiry into the history of society in a distinctive manner. A comparison of Stuart's View with the works of these men yields some general information about the development of conjectural writing in Scotland, particularly about Stuart's place in that discourse.

5.2. 'A School Book for the Student of English Law and History'

Stuart began the View soon after the publication of the English Constitution. But when he moved to London in 1769, numerous obligations limited the opportunities for research. When his father resigned the Chair of Humanity in 1775, the family moved out of the Old College to Fisherrow, in Musselburgh, and Stuart lost his easy access to the University Library. This was compensated for by the liberality of David Dalrymple, who opened the library at Newhailes to him. 'I am quite ashamed', wrote Stuart, 'of having recourse so often to your library, and wish the trifle I am busy about may, in some sort, apologise for it'.⁵ The 'trifle' was, in all likelihood, the View.

While preparing the monthly copy of the Review, Stuart found time to

⁵ n.d.. NLS: Newhailes Papers. Acc. 1228/23, f. 169. Dalrymple's library is now in the NLS.

study the mass of material relating to pre-commercial societies generally. As in the English Constitution, Tacitus and Caesar were the most important classical sources. The Germania of the former remained a work which he held in high, and indeed passionate, regard. Among the antiquarian tomes of the seventeenth century, he concentrated most on Du Cange, Coke, Brady, and Hale, although many others were mentioned in his notes. Modern writers also formed an essential part of his study. Adair, Lafitau, and Charlevoix provided him with comparative accounts of native Americans, in pre-commercial conditions, contemporary with modern Europe. Other more well known sources, Homer, the Bible, Don Quixote, were employed for complementary and sometimes corrective purposes. Primary sources were likewise important. Information gleaned from the early statute books of European countries and from other sources, particularly the Hindu Code of Gentoo Laws (translated in 1776), supported Stuart's assertion in the Advertisement that 'it is in the records of history...not in the conceits and the abstractions of fancy and philosophy, that human nature is to be studied' (vi).

The works of Robertson, Hume, Kames, Smith, Millar, and Blackstone served as standards against which Stuart placed his interpretations. Though he acknowledged a debt to these writers, he did not hesitate to contradict some of their opinions. In this regard he remarked: 'From the most able historians of our own and foreign nations...I could derive no advantage' (viii). Such a statement, though a rhetorical exaggeration, served to emphasise the controversial tone and independence of his opinions. In an anonymous Preface to the posthumous 1792 edition, this feature of Stuart's writings was reiterated: 'The writer is prone to controversy; but the erudition of an accomplished scholar is always adorned by the liberality of a gentleman' (iv). This second feature was not always obvious. In many cases, Stuart was determinedly

illiberal. Sometimes his criticisms were directed more at the author of a supposed error than at the correction of the error itself. As part of this general campaign to improve Stuart's reputation, a letter demonstrating a preference for his work over Robertson's was prefixed to the 1792 edition.

Mr. Stuart's...criticisms on Dr. Robertson pleased me much. Well does the Reverend Doctor deserve it all.... Time will try the merit, and possibly show more imperfections in his last performances.... The magnitude...of some characters in lifetime, are like the Goliath [sic] of the Philistines. They intimidate whole hosts of pigmies; but a David, or a Gibby Stuart, will now and then arise and level them to the common size. Mr. Stuart has shewn how carelessly and superficially the good Doctor has read Tacitus, and what chimerical conclusions he has drawn.⁶

More than three years before the View was published, Stuart wrote of the work in a letter to John Murray. His comments clarify the hopes he had for this production:

I think ...of bringing up with me [to London] a book...which I could fit for the press in a very short time; & on which I mean to rest my reputation, if I shall get any, & I verily think it will give a title to some from the newness & simplicity of its views. Its title is.

An Introduction to the History of Europe; or A New version of the treatise of Tacitus, concerning the situation of Germany, its Inhabitants and their manners; with explanatory notes & illustrations....

The whole work will be like a school book for preparing the student of English law and history, for entering with the greatest advantage on these studies by opening up to him whatever is most curious in the customs of the middle ages, & in the constitutions & policy of the Gothic kingdoms.⁷

⁶ The letter was written by Alexander Garden (1730?-91) to an unknown Scottish correspondent.

⁷ 7 Sept 1774. G/1/934.

As the quotation suggests, one aim of Stuart's plan was to supply what he felt had been lacking in his own legal education. The law, he observed, 'is only a science when observed in its spirit and history' (vi). Stuart believed that students should examine original sources (i.e. laws) within an historical context. He saw himself as the bearer of the scholarly tradition in British jurisprudence. His aims, therefore, were very different from Robertson's, who distanced himself from the rather pedantic roles of the antiquary or scholarly lawyer. Stuart, for example, objected to a work like Lord Kames's Dictionary of Decisions (1741-74) because he felt it had contributed to the decline of a proper historical knowledge of Scots law. With such a work at hand, he believed, 'the student is solicitous only to store his memory with cases and reports; and courts of justice pay more regard to authorities than to reasonings' (357). In this, the philosophy of law was lost.⁸

The English Constitution helped Stuart to formulate his own understanding of jurisprudence. In the View, this knowledge was recast in a form which would enable others to learn. Therefore, another aim may have been to publish what would become a series of lectures given by Stuart when he was advanced to one of the law chairs at Edinburgh University. This was an obvious step in his career and one which he was desirous to obtain.

Stuart's study of feudal jurisprudence, was, according to the inductive method of the day, based on a study of the laws and manners. It was his goal, as he wrote in the Preface, to 'explain the complicated forms of civil society, and the wisdom and accident which mingle in human affairs' (vi). This was the

⁸ Nevertheless, Stuart acknowledged, in deference to Kames, that 'the respectable author of that compilation did not surely imagine that he was about to do a prejudice to his nation' (357).

plan for the first volume of a larger study. Of what was to follow, Stuart wrote: 'If I am so fortunate as to obtain the sanction of the public approbation, I shall...consider, in future publications, civil jurisdiction, nobility, constitutional law, and cultivated manners' (vii). Murray encouraged him to complete this projected study, even though sales of the View were mediocre. Stuart never wrote the continuation, preferring to concentrate his efforts on a more direct challenge to Robertson in subsequent works. To Robert Liston, Murray wrote: 'D^r. Stuart's book has not gone amis [sic] altho it has not sold rapidly. Instead of continuing it as he proposed and as I could have wished, he has gone upon another; and means to publish a new work'.⁹

By the summer of 1777, the View was complete. At this time, Murray wrote to Stuart offering him £150 for the first edition. It was a fair sum, but nothing like the thousands that authors of lengthy narrative histories were then receiving. Murray was a cautious businessman. Nevertheless, he assured Stuart that 'whether I have the book or not...will make no alteration in my friendship for you'.¹⁰ Stuart finally settled on terms to publish the book with the Edinburgh bookseller John Bell, receiving £100 initially and the promise of £300 more upon the sale of the first edition (1000 copies).¹¹ Murray, however, warned Stuart to 'leave nothing indefinite', for Bell, 'from the particular turn of his mind is difficult to deal with'.¹² When complications arose over the number of books sold, Murray wrote in confidence to Bell explaining his concern for Stuart: 'I

⁹ i.e., the Observations. 20 Sept. 1778. MC

¹⁰ 29 July 1777. MC.

¹¹ Murray to Stuart, 4 Oct. 1777. MC. As part of the bargain, and as a favour to his friend, Stuart arranged with Bell to have Murray's name on the title-page. Murray, in exchange, agreed to affix Bell's name to his next work, John Gillies's Orations of Lysias and Isocrates (1778).

¹² *Ibid.*.

gain nothing further by the publication than the having my name to a work of merit'.¹³ The arrangement did prove a unfortunate one, hindered by the fact that Bell did little to promote the work. In Bell's hands, in fact, the work was 'totally suppressed'.¹⁴ This was probably the result of Robertson's influence with the bookseller. To improve this situation, Murray, bought up the unsold copies, and, with a new title-page, issued a second edition in 1782.¹⁵

5.3. The Challenge to Robertson

Stuart well knew that he was not the first to study feudal society in a conjectural manner. In his own day, Montesquieu, John Dalrymple, Kames, Adam Smith, and others had come before him.¹⁶ When William Robertson published the introductory 'View of Europe', the study of the middle ages was redefined for a wider audience. For Robertson, feudalism was not a subject for the antiquary or law student alone. It could engage the interest of men and women. This approach was seen by Stuart to undervalue the breadth of understanding which was necessary to master a complicated subject. Jurisprudence was a masculine study for the educated scholar; it was not a polite amusement discussed in the drawing room. When Stuart wrote the Reformation and the History of Scotland in the early 1780s, he did adopt a popular, more narrative style based on that of his successful contemporaries.

¹³ Murray to Bell, 14 July 1778. MC.

¹⁴ Murray to Stuart, 16 Nov. 1780. MC.

¹⁵ It was May 1785 before Bell paid Stuart in full for the work. At this time a 'Decree Arbitral' found that Bell should pay Stuart £25, his 'share of the money arising from the sale' of the View. NLS: 583, no. 855.

¹⁶ See Emerson, 'Conjectural History and the Scottish Philosophers', for a discussion of conjectural precursors.

This brought him more public recognition and financial reward than had the View. In the former frame of mind, however, he wrote to John Murray in 1774 marking out the difference between his work and Robertson's 'View of Europe':

It will show a reading somewhat uncommon, & will treat of all the topics on which D^r Robertson has touched in his illustrations to his first volume. I say has touched; for he has not examined them with attention, & has little knowledge of Jurisprudence.¹⁷

Stuart changed the original title of this work, 'An Introduction to the History of Europe', in order to highlight the distinction between his study and Robertson's. From this, and from criticisms of Robertson in the notes, he sought to undermine Robertson's credibility as an historian.

What led Stuart to change his plan from offering an elaboration of Robertson's work, to engaging in vituperative criticism? What prompted him to refer to a man whom he admired as one 'whose total abstinence from all ideas and inventions of his own, permitted him to carry an undivided attention to other men's thoughts and speculations' (387)?

The source of the rift was never explicitly stated by either man. Nevertheless, inferences can be drawn from events occurring around the time of the publication of the View that lead to an explanation. Since his first departure from Edinburgh in 1769, Stuart had served the interest of Robertson and the Moderates as a critic in London. Every effort was made to promote the History of Charles V. As the conductor of the Review, he continued in the role of propagandist. In a society so entrenched in patronage, Stuart undoubtedly expected some reward for his services. A University chair appealed most to

¹⁷ 7 Sept 1774. G/1/934.

him. From Murray's correspondence with Stuart, it is clear that this was a real prospect just prior to the publication of the View. But Murray was concerned that Robertson might oppose such an appointment. In May 1777 the publisher wrote:

I congratulate you sincerely on the Reversion you have obtained of the Professorship, and I wish with all my heart your negotiation for the resignation of the present professor may prove successful. But I will own to you in confidence that I have no opinion of R[obertson]. And I would dissuade you from communicating to him your plan before the reversion in your favour is unalterably fixed. For if you do it before, his machiavellian politics may be set at work to out you. His professions in your favour I can easily believe. He is afraid of you as the Indians are of the Devil, and therefore he is crafty enough to parade and to flatter; but if he could demolish you altogether I am not certain he would not prefer it.¹⁸

Stuart's antagonism toward Robertson thus dates prior to the publication of the View. It is possible that he added the more overt criticisms of the Principal in the aftermath of his failure to obtain the Chair. Had they been included beforehand, Stuart could not realistically have hoped for success. It was one thing to challenge the political views of important literary and civic figures as he had done in the English Constitution or to offer alternative theories of social progress. It was quite another to engage in what even by eighteenth-century standards may have been regarded as character assassination. With the publication of the View, and more particularly of the Observations the following year, Stuart publicly and irrevocably denounced Robertson and the conservative establishment he represented.

¹⁸ 17 May 1777. MC. Regrettably, Stuart's side of the correspondence is not extant from this period. The suspicious tone of Murray's letter is rather surprising. By Stuart's own account, Murray held Robertson in high regard. This change of attitude, however, may have been related to Murray's failure to publish Robertson's History of America (1777). Stuart had acted as an intermediary for this unsuccessful negotiation.

Murray's comments offer a picture of Robertson as a shrewd and cautious manipulator of people and events. Such a facility was an essential feature of his success in forwarding the policies of the Moderate party and establishing the University as a leading European educational centre. It was also indicative of the political influence to which public appointments were subject. Stuart was one of many denied entry into the establishment set, and probably there was little regret on Robertson's part.

5.3.1. The Chair of Public Law

The Chair of Public Law and the Law of Nature and Nations at Edinburgh University became vacant when James Balfour advanced to the Chair of Moral Philosophy.¹⁹ The office, during Balfour's tenure, was a sinecure; no lectures were given. It seems likely that Stuart would have prepared a proper course based on material in the English Constitution and the View had he been appointed.

In many secondary accounts, it was asserted that Stuart's application was rejected through the influence of Robertson. The European Magazine for February 1782 offered the following remarks (admittedly favourable to Stuart).

About the time of the publication of the [View.] he had turned his thought to an academical life; and he asked for the professorship of public law.... But, though this place was promised to him by the Minister [Henry Dundas], he was defeated in the nomination by the arts of Dr. Robertson, which appeared the more surprizing, as that gentleman was known to have many obligations to him: The illiberal jealousy so common among men of letters was doubtless the source of this opposition; and it

¹⁹ In 1764 Stuart's father had written to Gilbert Elliot in the hopes of obtaining that professorship for his son, but he was unsuccessful.

entirely broke the intimacy of the two persons, who were understood to be on the most friendly footing with one another.²⁰

Henry Brougham, many years later, retailed an account of the circumstances surrounding the affair more favourable to Robertson.

[Stuart] fancied that he owed his rejection to the influence of the Principal. Nothing could be more fitting than that such should be the case; for the life of Stuart was known to be that of habitual dissipation, in the intervals only of which he had paroxysms of study. To exclude such a person...would have been a duty incumbent upon the head of any university in Christendom...; but no admission was ever made by the Principal's friends that he had interfered, or indeed that the opinions and inclinations of the magistrates, who are the patrons, rendered any such interference necessary. But the disappointed candidate had no doubt upon the subject and he set no bounds to his thirst for revenge.²¹

Brougham's version of the incident (taken up by the DNB) has gained general acceptance. Nevertheless, it requires some qualification. Brougham was incorrect in assigning the appointment to the jurisdiction of the City magistrates. The chair was in the possession of the Crown. As a result, the selection could be made more arbitrarily. Such posts were controlled by Henry Dundas, the Duke of Buccleuch, and a circle of powerful civic figures, like Dr. Robertson, through whose influence court patronage was dispensed. It should also be noted that Brougham was a kinsman of Robertson and therefore might have been prone to emphasize the negative side of Stuart's character. The Chair was awarded to Allan Maconochie (later Lord Meadowbank) after he purchased the lucrative position from Balfour. Maconochie, like Brougham, was a relative of Robertson and an associate of Dundas.

²⁰ EM, I, 128, in an anecdote of Stuart which followed a review of the View (second edition, 1782) by William Thomson.

²¹ Brougham, Lives of Men of Letters, 275. Brougham jumbled the chronology of Stuart's life by placing the candidature of 1779 before the start of the Review in 1773.

The failure to obtain the Professorship was a great blow to Stuart. To Robert Liston, Murray wrote of the affair: 'D^r Stuart is...mortified by a disappointment [sic] he has lately met with'.²² Moreover, the affair would have brought to mind many other unrealised expectations. The College had been his home for over thirty years. He would have preferred remaining there to pursue further historical study as a professor. Still, other attempts were made to secure a post. At the end of 1779, Murray wrote to congratulate Stuart on his 'promotion to the professorship of Modern History', adding his hope that it was 'fixed and determined'.²³ But this prospect likewise did not come to fruition.

Why Robertson denied Stuart a place at the College is not known. Perhaps he was genuinely concerned that Stuart's reputed dissipation and immorality would set a poor example. Perhaps he did not approve of the controversial tone of Stuart's writings, so different from his own balanced and dignified manner. Perhaps, too, the patronage of his kinsman, Maconochie, took precedence over the advancement of a qualified candidate.²⁴ 'This single disappointment', wrote David Irving, 'proved the greatest misfortune of [Stuart's] life'.²⁵

Had Stuart gained the Chair, and established himself among the literati of Edinburgh, the future would have been very different. He probably would have become the Edinburgh counterpart to John Millar, and possibly won

²² 6 Aug. 1779. MC.

²³ 28 Dec. 1779. MC.

²⁴ In 1786, when the Chair of Municipal Law was vacated, Robertson wrote to Henry Dundas to obtain the post for his son. EUL: Phot. 1716.

²⁵ EB, seventh ed., under 'Stuart'.

similar laurels. He also would have gained financial security; as it was, this remained an endless source of difficulty. But he probably would not have written the History of Scotland, a work set against Robertson's account of Mary Queen of Scots and of literary and historiographical interest.

Stuart openly challenged Robertson and the Edinburgh establishment when it became clear that he could not be part of it. He might have realised, from the similar failures of his friends, Dr. John Brown and William Smellie, that he would not be admitted into the conservative cleric-dominated fold of the University. These men likewise had been denied professorships for which they appear to have been well qualified. Brown's failure of 1776 bears a striking parallel to Stuart's.²⁶ In 1775, William Smellie sought the Chair of Natural History, after it was vacated by the death of Dr. Ramsay. Political influence was set to work, but to no avail. Smellie's biographer remarked that political considerations in University appointments were 'an unavoidable circumstance, much to be deplored'. Unable to become part of the University establishment, these three men, entered into opposition against it. At a distance of over two hundred years, their contributions to the wider culture of the Scottish Enlightenment are only just beginning to be explored.²⁷

²⁶ Where Stuart looked to Robertson for patronage, Brown looked to William Cullen, the Professor of the Practice of Medicine. Somerville, in My Own Life, wrote that 'it was in the attempt to impeach Dr. Cullen's scientific merits, that what is called the Brunonian theory of medicine first took its origin'(137). For a more recent account, see Christopher Lawrence, 'Cullen, Brown and the Poverty of Essentialism'; and Michael Barfoot, 'Brunonianism under the Bed'. Both in Medical History, Supplement (1988). For an account of Stuart's plan to market 'Brown's exciting pill', see the Works of Dr John Brown, cii-civ.

²⁷ Smellie II, 90. A humorous anecdote involving a visit of these men to the tomb of David Hume is recorded in Smellie, II, 261: 'While Smellie was walking with Dr Gilbert Stuart, and Dr John Brown...the latter asked a mason who was...finishing part of the tomb, "Friend, this is a strong massy building: but how do you think the honest gentleman will get out at the Resurrection?" The mason replied: "I have secured that point, sir, for I have put the key under the door"'.

5.3.2. Pamphlets and Politics

In consequence of his failure, Stuart entered with renewed splenetic vigour into a political controversy occurring at this time over the control of Edinburgh.²⁸ He shifted his allegiance and acted as a propagandist for Laurence Dundas against the party of Henry Dundas and the Duke of Buccleuch. In this capacity, he wrote an anonymous pamphlet attacking these men.²⁹ It was one of many tracts written by supporters of both sides. Stuart may have written others as well.

Murray informed Stuart that he had read a number of pamphlets 'upon the subject of Edinburgh politics' and asked Stuart 'to communicate some of your productions, whether they have appeared in newspapers or otherwise'. By way of compliment he added: 'If the work of apprentices are favourably received in this literary field, with how much more eclat [sic] must we view the work of a master'.³⁰ Stuart's controversial style was well suited to direct political attack. Whether the object was Henry or Lawrence Dundas did not entirely matter.

The career of ^WLaurence Dundas reflected a shift in British politics which enabled wealthy independent men to enter into the political forum. But it was a development which landed politicians like Henry Dundas and Buccleuch

²⁸ The complicated political situation in 1777-8 has been described by Alexander Murdoch in 'The Importance of being Edinburgh'. I am grateful to Dr. Murdoch for discussing the topic with me.

²⁹ I have not been able to locate Stuart's work from over fifteen pamphlets relating to the affair. Unfortunately, a volume of these pieces in the BL is missing. It includes a work entitled Faction Displayed, or, a Genuine relation of the Representation of the Trades, and the late political contentions in the City of Edinburgh. The process of elimination suggests that Stuart wrote it.

³⁰ 4 Oct. 1777. MC.

opposed.³¹ As parliamentary member, ^WLaurence Dundas had controlled many of the avenues of patronage between London and Edinburgh since 1767. Like his predecessor (the Duke of Argyll) he obtained for Edinburgh, in Murdoch's words, 'the private parliamentary legislation necessary for its great effort at improvement in the second half of the eighteenth century'.³² He was not, however, without opposition. When the influence of his associates on the Town Council (Gilbert Laurie and Thomas Simpson) began to decline, ^WLaurence Dundas found himself challenged by Henry Dundas and the Moderates. He had been an object of criticism in the Review at the time of his election to Parliament in 1774. But by 1777, Stuart's allegiance had changed as had the complexion of Edinburgh politics.³³ It was not political ideology which prompted him to support ^WLaurence Dundas. He had been disappointed by the Moderates and therefore looked to the patronage of their opponents.

The issue on which the power struggle centred was a movement to reform the 'Set' of Edinburgh, or the 'Leet' system by which City magistrates were elected.³⁴ To win more influence in the City, Henry Dundas, through the agency of the former Provost James Stoddart, attempted to reform the system of election on a more democratic basis. As it stood, the incumbent council (controlled by ^WLaurence Dundas) could effectively prevent the election of those in opposition (supporters of Henry Dundas).³⁵ It was somewhat ironic that the

³¹ Murdoch, 7.

³² Ibid., 3.

³³ James Boswell similarly had been an opponent of ^WLaurence Dundas but like Stuart joined him to oppose Henry Dundas at this time. See Boswell in Extremes, 217 (13 March 1778).

³⁴ There had been similar attempts in 1729 and 1763 which had failed.

³⁵ Murdoch, 2.

conservative landed interest of Henry Dundas favoured the reform. But both sides sought control by whatever means were most expeditious. The result, as it turned out, was an overt contradiction between ideology and political expediency.

It was in this context that Stuart wrote his attack. He sent a copy to Murray, whose letter of reply provides a clear description of the work:

I went over your Political tract with great pleasure. The historical account of the origin & progress of the Leets is well told & satisfactory and your reasoning from thence in favour of the party you have espoused is Just & conclusive; and the stroaks [sic] against the A[dvoca]te & his Cats paw [Buccleuch] laughable as well as severe. The paper is the best I had seen.³⁶

The plan for reform went as far as the Court of Session where its prospects came to an end. For the time being, ^{w/}Laurence Dundas retained control of the City.³⁷ Whether Stuart's contribution had any real effect is difficult to judge. It must have been some consolation for him, however, to have been on the winning side and some satisfaction to see his name mentioned by the opposition in their own pamphlets.

It was generally known that Stuart was the author of the pamphlet. As a result, he became the object of a scurrilous attack by the opposition in a work entitled A Plan for Discharging the Incumbrances of the City of Edinburgh. Hugo Arnot, who likewise had written a piece against Dundas and Buccleuch, was also subjected to satirical treatment in the pamphlet.³⁸ The author, writing

³⁶ 6 Dec. 1777. MC.

³⁷ Murdoch, 14.

³⁸ Arnot's pamphlet, A Letter to the Lord Advocate, written under the pseudonym 'Eugene', was mentioned by Murray in the above letter.

under the Scriblerian pseudonym of Walter Waaggstaffe [sic], proposed four ways the City could raise revenue without levying a new tax. In doing so, he wished to undermine the authority of ^wLaurence Dundas. The first plan was to reduce the amount of claret drunk by councilmen at the expense of the City; the second, to turn the space underneath the arches of the New Bridge into a brothel under the direction of the Council; the third, to convert Edinburgh's daily waste production into sal-ammoniac;³⁹ The fourth plan was to establish a subscription lecture given by Stuart and Arnot. Further comments on this pointed to a connection between Stuart's failure to gain the Public Law Chair and his aid to Dundas.

Considering that Dr G__t S__t has been disappointed of the reversion of a professorship, let him be appointed conjunctly with Mr H_o A__t...to teach the new method of exposing the Scriptures, and the doctrine of the soul's immortality. As the gentlemen I now refer to, have an utter aversion to the inside of a church, let an arch be thrown over the Cowgate, under which they may discourse (A Plan, 22.)

The admission fee for the mock extra-mural lecture was set at half a crown, one fifth of which would be kept by Stuart and Arnot, the remainder for City revenues. Later in the pamphlet, the writer returned to this subject in a separate section headed 'A True Account of what passed at the Ordination of Doctor G__t S__t and Mr H_o A__t at the Oyster-cellar in the Cowgate'.⁴⁰ The intention was to deride Stuart and Arnot on account of their apparent religious scepticism, immorality and flippant allegiance to Dundas. The two arrived for the ordination at the appointed time. But the City Chaplain, who was

³⁹ A substance used for dyeing and tinning iron, usually made from camel urine. This last fact led the writer to ask: 'What man would put the excrements of a camel in competition with those of a citizen of Edinburgh?' (A Plan, 17).

⁴⁰ This cellar was a well known brothel.

extremely intoxicated (from claret), failed to appear. Satan mysteriously arrived in his place and 'expressed himself much pleased with their conduct in enlisting themselves into the service of Sir L____ D____'. The ordination began:

[Satan] put his finger in the mouth of each, as a token of authority to speak: He next breathed in their faces to give them confidence in public; then he licked their lips with his tongue.... Last of all, he told them, That as they had kissed the breech piece of Sir L____ D____, as a mark of their duty and attachment, that they must do the same to him.... This they complied with, although not without some apprehensions of danger (A Plan, 35-6).

Stuart and Arnot were portrayed as reproachful sycophantic figures, tenuous in their allegiance and impervious to religious morality or civic virtue. The account may have been a parody of masonic ceremonies. Moreover, the Dantesque imagery suggests that in supporting Dundas, Stuart and Arnot had descended into hell. The section ended with a remark assigned to Stuart: 'Better in the lurch, than in the hands of the church'. This may have been a another reference to his scepticism or perhaps to his more certain anticlericalism.

As the object of such an attack, Stuart was bound to incur the disapprobation of the more respectable figures in Scottish society. Among these was David Dalrymple, who wrote to Stuart in order to discover his involvement in the affair. Dalrymple's letter is not extant, but on 7 February 1778, Stuart attempted to remove the odium of his role with the following equivocal reply:

I am a stranger to his Lordship,⁴¹ know nothing of his sentiments,

⁴¹ Robert Dundas, the Lord President of the Court of Session and half-brother of Henry.

never heard that he blamed me, have no business with the pamphlets in question, & from the opposition I met with through his brother, indifferent about freeing myself to their family from any imputation.⁴²

Though parts of this letter are unclear, Stuart apparently denied writing any pamphlets. If this is so, he was probably lying to Dalrymple, who was himself an influential man, but whose brother, John, was soon to be elected Lord Provost and possibly in a position to help or hinder Stuart. The reference he made to the 'opposition' he received from Henry Dundas may have been related to the affair over the Professorship. It suggests that Dundas's relationship with Robertson and the Moderates was well established at this time.

Stuart's role in Edinburgh politics was also unlikely to enhance his reputation as a serious historical writer. But he was confident that the View would establish him on a more secure foundation. Robertson, always cautious, sat back and prudently refused to engage in the challenge presented by Stuart. He was already in a position of authority and respect, and could gain little by taking the offensive, though perhaps he employed others for that purpose. Stuart, however, anticipated the opposition with which his controversial remarks in the View might be met. To Dalrymple he wrote:

I foresaw that I would offend very much the admirers of M^r Hume, & that D^r Robertson & his friends would be surprised at my method of mentioning him. And yet I still think that they are treated not only fairly, but with greater respect than they merit. But, in a country, where the spirit of inquiry is expiring, the plainness of controversy will ever pass for satire. And men, who are adored by the vulgar must be approached with adulation. If those who censure me would speak out to the world, their conduct would be generous; because I should then have an

⁴² NLS: Acc. 1228/24, f. 4.

opportunity to defend myself.⁴³

This plea was one which Stuart would make publicly subsequent to the publication of his next three works. It went unanswered. Dalrymple, he believed, would lend a sympathetic ear as one who acknowledged the utility of the engaging manner of Pitcairne and Ruddiman, as he did the logical argument of an advocate. This, in Stuart's opinion, was preferable to the rhetorically impartial manner of Robertson.

5.3.3. Comparative 'Views'

In a conversation with Thomas Somerville, some years after Stuart's death, Robertson alluded to the View and explained the low opinion he held of his adversary.

We had some talk also about Gilbert Stuart. Dr. Robertson spoke with just indignation of that notorious writer's treatment of himself. He said, 'Every man who has written history knows that the most difficult part of his work has been the arrangement, but Gilbert Stuart saved himself that trouble, and followed my arrangement exactly. His dissertations on the middle ages were also stolen from me'.⁴⁴

This may have been an exaggerated view. The similarity of title, and to some extent of organisation, between the two works was deliberately planned by Stuart to contrast a jurisprudential (and implicitly political) discourse with a more popular narrative. Dugald Stewart, in his Life of Robertson, reiterated an opinion like that found in Somerville. He acknowledged that Stuart was 'the

⁴³ n.d.. Ibid., f. 51.

⁴⁴ My Own Life, 275.

most acute and able of all his adversaries' but argued that he 'was guided by Dr Robertson's example in almost all his literary undertakings; and that his curiosity has seldom led him into any path, where the genius and industry of his predecessor had not previously cleared the way'.⁴⁵ Once again, Stuart's polemical intention was misinterpreted or, what is more likely, disregarded. At the same time, he did compromise some claim to scholarly integrity by the vituperativeness of his remarks and a degree of originality by attempting too insistently to undermine Robertson's works. But in the appropriate context, one can see why he did so.

A generation later, a rather more balanced appraisal of the two works was offered by William Smyth in his Lectures on Modern History (1840):

After Robertson, the work of Gilbert Stuart should be diligently searched. And here, for the first time, the reader will meet with observations injurious to the fame and authority of Dr. Robertson; yet that fame and authority are, on the whole, rather confirmed than weakened by the animadversions of Stuart. Dr. Stuart forgets, that...to form a rational estimate of the facts and opinions before him, is...required in an historian; that an historian...should in the first place be a guide, and that men of invention and speculation are of all guides the least to be trusted.⁴⁶

These criticisms are perhaps valid, but they overlook both the utility Stuart perceived in controversial rhetoric and speculative opinion and the circumstances which prompted him to direct himself against Robertson. Such secondary factors, however, could be of little interest or value to the mid-nineteenth-century student of Smyth or reader of Stuart.

⁴⁵ Stewart, 223-4.

⁴⁶ Smyth, I, 77.

Robertson's 'View of Europe', if in many respects a masterful narrative, was not itself wholly original.⁴⁷ A main source for the work was said to have been Adam Smith's 'Lectures on Jurisprudence', which he gave publicly in Edinburgh in the early 1750s. An account recorded by the antiquary George Chalmers clarified this point:

Such were the Lectures, which [Smith]...gave, that he used to appeal to Callender That D^r. Robertson had borrowed the first vol. of his history of Cha. 5 from them; as every student could testify, Of Robertson he used to say, that his judgement enabled him to form a good outline, but he wanted industry to fill up the plan; that Robertson inverted morals, by blaming what he should have praised, and praised, what he should have blamed: that he liked Robertson better when at a distance than he did upon nearer inspection.⁴⁸

These are the same types of criticism which Robertson levelled at Stuart. Nevertheless, such comments (admittedly from a secondhand source) should not serve to detract from the value of Robertson's 'View of Europe'. It was, after all, designed as an *introduction* to the reign of Charles V. Robertson deliberately excluded the more detailed aspects of feudal jurisprudence in favour of a general appeal. He wrote in the popular tradition of Voltaire not in the scholarly manner of Montesquieu. It was history of a different nature. Accordingly, near the beginning of Section III, Robertson remarked that, 'to sketch out the great lines which distinguish and characterize each government, is all that the nature of my present work will admit of, and all that is necessary to illustrate the events which it records' (124). Stuart clearly felt that more was required. Elsewhere Robertson acknowledged (as did Hume and Henry) that an

⁴⁷ Robertson acknowledged the use he made of Voltaire's *Essai sur l'histoire Générale*: 'I have often...followed him as my guide in these researches' (392).

⁴⁸ EUL: La. II 451/2. Chalmers's papers, Adam Smith folder. Also quoted in part in Forbes, 'Scientific Whiggism', 644; and Scott, *Adam Smith as Student and Professor*, 55-6.

inquiry into the political constitution of European states in the middle ages was difficult and conclusions therefore could only be tentative. Concerning one point of deliberation, he added: 'this conjecture I propose with that diffidence, which I have felt in all my reasonings concerning the laws and institutions of foreign nations' (372).

Stuart's approach was different. He boldly 'venture[d] another conjecture' (217) and praised his own conclusions (366). Yet at the same time there was a certain hesitation in his assertions. In the Conclusion to the View, for example, he explained the conflicting forces which were at work in his approach:

When I consider what many great men have written before me concerning human affairs, I know not, whether it ought to flatter my pride, or to fill me with shame, that I, too, have yielded to my reflections and my sentiments.

Where Robertson 'sketched' broadly, Stuart coloured and added detail to the complicated picture of feudal society. He was fascinated with the evolution of custom, with the idea that what is curious, if traced to its origin, became explicable. For Stuart the middle ages were interesting in their own right. For Robertson the events of this period were essentially seen in terms of what came afterwards.⁴⁹

An example of Stuart's detailed approach is found in his discourse on the social significance of hair. In ancient times, he wrote, 'it was a mark of refined attention in a person to present a lock of his hair to a friend on saluting him.... To give a slave the permission of allowing his hair to grow, was

⁴⁹ See Black, The Art of History, 129.

to offer him his freedom' (412). These customs were transmitted through European culture, though in modified forms, to Stuart's own time. Once this process was traced, he turned to offer a more general observation.

There seems something wild and romantic in such usages; yet they produced the locket and the hair-ring of modern times; and we smile not nor are surprised that these should teach us to employ our moments of softness in melancholy recollections of absent beauty, or departed friendship. What is distant and remote, affects us with its ridicule. What is present and in practice, escapes our censure. In the one instance, we act with the impartiality of philosophers; in the other, we are carried away by our passions and our habitudes (413).⁵⁰

Whether considered for method of reasoning, for the curious significance imparted to the subject, or for its rather sentimental tone, this kind of passage is characteristic of Stuart. The reader is engaged by this manner of analysis and consequently prompted to consider his own views (his own hair) and his own place in the history of society.

Stuart's work, like Robertson's, is remarkable for a predominance of supplementary reference material. Robertson called these notes 'Proofs and Illustrations', Stuart, 'Authorities, Controversy, and Remarks'.⁵¹ 'Controversy' is the keyword in a comparison of the intention of the two writers. Robertson sought to recreate a panoramic scene in which European society was seen to advance from the barbarism of the middle ages to the civility of his own age. Within this steady historical movement there inevitably were contrary factors at

⁵⁰ Discourse of this type also allowed Stuart to indulge in observations that might have offended common morality. For example, he wrote: 'In the progress of time, it was not the hair of their heads only, that the women were curious to deck out' (412). Remarks in Latin followed.

⁵¹ Robertson's work contains 192 pages of text and 199 pages of notes, Stuart's, 148 pages of text and 285 pages of notes. Stuart also included a 24-page Appendix. These figures refer to the first editions (quarto) of each work.

work. These were deftly incorporated into the narrative and into the notes in a manner which Smitten calls Robertson's 'technique of constantly shifting perspectives'.⁵² Robertson's narrative method, therefore, was deliberately equivocal.

He divided his work into three sections. The first outlined the progress of society 'with respect to interior Government, Laws, and Manners'. It is this section that most closely relates to the subject matter of the View. In the second short section, Robertson considered the military institutions of the middle ages; and in the third, the political arrangements in Europe during this time. These last two sections were written more in a narrative manner and introduced the events of Charles's reign.

Stuart's work consists of two books. In the first, he reviewed the free state of society after the fall of Rome. Central to this discourse was his account of the condition of women in pre-commercial society. In the second book, he examined the makeup of feudal society and considered the military arrangements which were a primary feature. He looked upon the passage of the age described in Book I with regret and to the progress of corruption in Book II with qualified pessimism.

These books together form a history of chivalry in Europe. In this record of social and military development, the knight is the central figure. The laws which evolved to determine his role in society provided Stuart with a means of marking the progress and decline of knighthood. Of the last stage of decline, he remarked: 'The ancient chivalry...did not die, as some many writers

⁵² Smitten, 'Robertson's History of Scotland', 43.

have fancied, of the ridicule of Cervantes, but of old age, despondence, and debility' (112).⁵³

In controverting more familiar notions of the middle ages, Stuart did not entirely reject a romantic view of the past. A systematic examination, shaped by a whiggish paradigm, led him to conclude that 'despondence and debility' were in-built features of society. Geoffrey Carnall remarks that in the work 'one finds what is probably the most extreme statement at that time of a deterministic view of social development'.⁵⁴ For Stuart, man did not actively shape his destiny. When he referred to the 'wisdom and accident which mingle in human affairs' (iv), the latter force was seen to be the more dominant.

Robertson's historical outlook was essentially a contrary one. In this respect, he might be seen as a precursor to the positivism of Comte. Set behind his notion of man's continual improvement was a basically religious disposition. He was, after all, a minister. A comparison of Robertson and Stuart's account of the Crusades reveals the extent of this difference. The event was described by the former in an ostensibly balanced manner. On the one hand, the Crusades were a source of destruction; on the other, they brought 'the first gleams of light which tended to dispel barbarity and ignorance' (27). This latter picture is the one Robertson most impressed upon the reader. Stuart was less equivocal: 'The age, in which so many armies,

⁵³ Stuart may have borrowed this idea from Millar (or visa-versa), who wrote: 'When a change of circumstances, more than the inimitable ridicule of Cervantes, had contributed to explode the ancient romances, they were succeeded by those serious novels which in France and England are still the favourite entertainment'. *Ranks*, 40.

⁵⁴ Carnall, *The Mid-Eighteenth Century*, 215. Stuart's critique of human progress was perhaps more extreme than that of Adam Ferguson who acknowledged that 'every age has its consolations as well as its sufferings'. *Civil Society*, Forbes ed., 105.

inflamed with zeal, were to fight for the recovery and possession of the holy sepulchre, was remarkable for the most criminal depravity' (133).

Stuart celebrated the incipient beneficial condition of the ancient chivalry and mourned its corruption. It was a point he repeated numerous times in the View. This subject was not one of entirely pedantic or ideological interest. Boswell's comments in his Journal reiterate an opinion not unlike Stuart's:

I argued warmly for the old feudal system. Sir Alexander [Macdonald] opposed it, and talked of seeing all men free and independent.... I maintained that...the vassals or followers, were not unhappy; for that there was a reciprocal satisfaction between the lord and them: he being kind in authority over them; they being respectful and faithful to him.⁵⁵

In the first pages of the View, Stuart listed a number of causes of this change: 'The want of commerce, and the ignorance of money, permit the barbarian to exercise a generosity of conduct, which the progress of the arts is to destroy' (2). Robertson offered an opposite view of early society which he believed would 'enable the reader to apprehend the full force of an argument...concerning the wretched state of the people' (231). Of the period from the seventh to the eleventh century, for example, Robertson wrote:

All memory of past transactions was lost, or preserved in annals filled with trifling events, or legendary tales. Even the codes of laws published by the several nations...of Europe, fell into disuse.... The human mind...sunk into the most profound ignorance. Europe did not produce, during four centuries, one author who merits to be read.... There is scarce one invention useful or ornamental to society of which that long period can boast (19).

⁵⁵ Boswell for the Defence, 102 (6 April 1772).

In other places, however, this attitude was qualified. There were agreeable features of primitive society. The middle ages, as J. B. Black remarks, 'were characterized by progress; their key-note, in Robertson's opinion, was development'.⁵⁶ Where Robertson emphasised gradual improvement, Stuart saw the corruption of what was once an ideal society and the inability of man to alter or even know his destiny.

Some of Robertson's generalisations provided Stuart with a legitimate source of criticism; others were used for polemical ends. Robertson's singularly negative picture was anathema to Stuart. In his mind, it was contrary to the records of history and conceived in a retrospective view of the past. Robertson himself asserted that the past could not be judged by modern standards, but here, according to Stuart, he was doing just that.⁵⁷ Black suggests that for Robertson, 'the function of the historian...is not to spend time over minute inquiries into origins...but to keep his eye steadily fixed on the goal towards which events and tendencies were making, and to describe the past in the light of this' [i.e. the present].⁵⁸

On the whole, Stuart was less positive than Robertson about what progress had brought and perhaps about what it would bring. But at times he yielded too much to the rhetoric of corruption in commercial society as he did to the rhetoric of ancient liberty in early times. This difference in tone,

⁵⁶ The Art of History, 129.

⁵⁷ Robertson wrote in this regard: 'The histories of the Crusades written by modern authors, who are apt to substitute the ideas and maxims of their own age in the place of those which influenced the persons whose actions they attempt to relate, convey a very imperfect notion of the spirit at that time predominant in Europe' (241).

⁵⁸ Black, 129. See also the comments of Weisinger, 'The Middle Ages and the Late Eighteenth-Century Historians', 71-2.

distinguishes the two writers. It equates broadly with their divergent temperaments and indeed stations in life. Stuart's provocative dissent contributed to his alienation from the Scottish establishment. Robertson's deliberate equivocation had made him one of its most important and enduring leaders.

5.4. John Millar and the Ranks

More than William Robertson, John Millar has gained the critical attention of students of the Scottish Enlightenment. Stuart admired the writings of Millar and knew him personally. He also approved of his whiggish political views. It was perhaps in this context that Stuart referred to Millar as a man 'guided by the spirit of a free and liberal philosophy'.⁵⁹ In a letter to Murray, Stuart wrote of their mutual friend:

Have you seen Professor Millar? I cannot conceive what has taken him to London.... It cannot, surely, be a new publication. If it is, I shall rejoice. It is a torment to read perpetually idle books. A good one now & then is absolutely necessary.⁶⁰

When the Ranks was published in 1771 by John Murray, it was a matter of course that Stuart would praise the work in the Monthly. He also played a formative editorial role as the work was prepared for publication. Millar entrusted Stuart to 'make what corrections you think proper, either in point of the matter or the expression'. This was particularly the case with the

⁵⁹ In Stuart's review of the Ranks: Monthly, 45 (Sept. 1771), 195.

⁶⁰ 20 May 1774. G/1/927.

Preface of the Ranks. At Murray's behest, Stuart persuaded Millar to include this part and in effect unite five separate discourses into a unified work.⁶¹ In the review, Stuart gave an outline of the subjects discussed by Millar and explained the value of conjectural studies generally:

After learning by history and observation the effect of different circumstances on the manners and sentiments of men, we might infer from these circumstances, how, on all occasions, they would think and act, and thence learn to conduct ourselves with propriety in every possible situation.⁶²

Stuart was merely highlighting the Baconian notion of utility, which was central to most of the conjectural writings of the period.⁶³ Yet he considered this aim a 'distant prospect'. Millar was rather more optimistic. Millar (continued Stuart in the review) had 'point[ed] out the more obvious and common distinctions in the state of civil society'.⁶⁴ In the View, Stuart investigated the less obvious distinctions.

Millar indicated at the outset of the Ranks that his design was 'to explain the causes of various manners and customs, rather than to enter into any formal discussion concerning the political advantages or disadvantages of which they have been productive' (Ranks, xiii). But politics did eventually emerge, especially in the final chapter on 'the authority of a master over his

⁶¹ Millar to Stuart: 15 Feb., 17 March, and 14 April 1771. See also Millar to Murray, 15 Feb. and 28 April 1771: 'I desire that you will present a copy bound in the neatest manner to Dr. Stuart' (the dedication copy?). Millar had others to offer advice concerning the work, as Murray explained to Thomas Cumming: 'I now enclose you a second sheet of M^r Millers [sic] Work for his perusal, you may inform him that the wole [sic] of it has been revised by David Hume, and the Public have great Expectation from it'. 2^d March 1771. MC.

⁶² Monthly, 188-9.

⁶³ See Hópfel, 'From Savage to Scotsman', 21.

⁶⁴ Monthly, 188.

servants'. This subject led Millar, in a political light, to criticise the condition of miners in Scotland and to reflect upon slavery in the American Colonies in his own day. On this last subject he wrote:

It affords a curious spectacle to observe that the same people who talk in so high a strain of political liberty, and who consider the privilege of imposing their own taxes as one of the unalienable rights of mankind, should make no scruple of reducing a great proportion of the inhabitants into circumstances by which they are not only deprived of property, but almost of every right whatsoever'. Fortune perhaps never produced a situation more calculated...to show how little the conduct of men is...directed by any philosophical principles (Ranks, 312).

Though stylistically divergent, the subject which engaged Stuart and Millar and the historiographic traditions in which they wrote are similar. Millar remarked in the Preface, that 'by real experiments, not by abstracted metaphysical theories, human nature is unfolded' (Ranks, iii). Stuart's comment is almost identical: 'It is in the records of history...not in the conceits and the abstractions of fancy and philosophy that human nature is to be studied' (vi).⁶⁵ In the same place, Millar explained the approach he adopted to describe the origin of feudal institutions: he 'ventured to deliver an opinion, which has the appearance of reconciling the different facts, collected by antiquaries and lawyers in support of their various and opposite conjectures' (Ranks, xi.) There is none (or little) of the contentiousness which characterises the View, except perhaps in Millar's concluding comments quoted above. Where Stuart engaged in 'incidental discussions' and defended the novelty of his opinions (vii), Millar

⁶⁵ This may have been a place where Stuart edited the Preface.

'discarded every idea not strictly connected with the subject of his inquiry'.⁶⁶

Millar's language is similarly straightforward. He 'convey[s] his ideas with a distinctness which precludes all misapprehension...[but] neither the most striking, nor the most alluring to the reader'.⁶⁷ Stuart's prose is more stylised. Language for him is a persuasive and strategic tool for transmitting ideas and sentiments.⁶⁸ The formats Millar and Stuart adopted were also fundamentally different. Millar kept his notes to a minimum. With Stuart they were more often curious or controversial excursions. Millar generally incorporated references to source materials into the text of the Ranks and used them to elaborate upon his discussion. Classical and biblical quotations abound as do citations from the Code of Gentoo Laws, and modern travel literature. References to legal antiquaries and to the mediaeval legal codes were employed less frequently than in the View. Millar mentioned contemporary Scottish writers regularly but not in a contentious manner.⁶⁹ Millar also compared man in his various states and activities to the animal kingdom (155), a feature not generally found in Stuart.

The important question of whether there was republican representation in Saxon times, or whether constitutional liberty was only asserted after the Norman invasion, concerned both men. Millar for the most

⁶⁶ Craig, 'Life of Millar', lxxxiv.

⁶⁷ Ibid..

⁶⁸ The Monthly, 55 (March, 1778), 207, however, found 'a degree of stiffness' in Stuart's style.

⁶⁹ Some of Millar's contemporary references in the Ranks are: Hume's History, 204, 248; 'Of the Populousness of Ancient Nations', 269, 280; Robertson's 'View of Europe', 204, 233; Kames's Historical Law Tracts, 198, 281; Smith's Moral Sentiments, 162-3; and Anderson's History of Commerce, 296. On one occasion in the Ranks, Millar referred to Stuart's English Constitution (166). This was in relation to Stuart's assertion that land was first the property of nations before it descended to the individual.

part adopted a view like Stuart's own. 'The nobles', he wrote, 'maintained their independence during the time of the Saxon princes, and were reduced to be the vassals of the crown in the reign of William the Conqueror' (Ranks, 219). He however diverged from (and perhaps alluded to) Stuart in refusing to adopt a nostalgic view of ancient liberty.

Many writers appear to take pleasure in remarking, that as the love of liberty is natural to man, it is to be found in the greatest perfection among barbarians, and is apt to be impaired according as a people make progress in civilization. and in the arts of life.... There are many other objects of greater consequence than liberty, which are preferred to it by all the world (Ranks, 248n).

The first chapters of both the Ranks and the View are concerned with the condition of women in society. Subjects such as 'an idea of the German Woman' and 'Marriage and Modesty' were in Stuart's opinion 'full of curiosity' (196). After asserting his own views on the importance of women in ancient times, he proceeded to the argumentative part of his discourse by opposing Millar, Kames, and Robertson (178).⁷⁰ These men, he believed, had concluded that in pre-commercial society women were 'in an abject state of servility, from which they advance not till the ages of property' (11). Stuart also opposed the reasoning of Charlevoix, on whom these authors based their conclusions, but added rather demonstratively: 'I beg it to be understood, that I oppose thus frequently their opinions from no captiousness of temper, but, because, if they are just, mine must be ill founded and improper' (184). Occasionally he conceded that Millar's 'observation is not to be controverted' (185). But more

⁷⁰ Kames discussed this subject in the Sketches of Man in the section on 'the progress of the female sex'; Vol. 2, 1-97 of the second edition (1778). Robertson's remarks are found in the History of America (1777), I, 318. See also William Alexander's History of Women (1779). This account differs from the others in that it was (as the author asserted in the Advertisement) 'composed solely for the amusement and instruction of the Fair Sex'.

often his general argument was 'direct against the opinions of my Lord Kaims [sic] and Mr. Millar' (191).⁷¹

When the sections in these works examining the condition of women were first read, they would have recalled an important Scottish legal cause, which had taken place in 1771. The decision in the House of Lords affirming that the daughter of the lately deceased Earl of Sutherland was entitled to the rights of that peerage (the oldest in Scotland) was, like the famous Douglas Case, a subject of popular deliberation. After the death of William, the seventeenth Earl in 1766, two male relations claimed the title in preference to the young Countess. Many well known legal figures came to her aid, including Lord Monboddo, Lord Auchinleck, and Lord Hailes, and John Mackenzie of Delvine. Hailes, in particular, 'bestowed great pains on the cause, which cost him six months' constant and assiduous labour'.⁷² He was able to prove 'that the ancient peerages of Scotland were territorial, and that there was no limitation to heirs-male, as opposed to heirs-female, except by social patent'.⁷³ Stuart's assertions in favour of women may have served as a subtle compliment to Dalrymple. Of the change in the condition of women in feudal society, he wrote in the View:

As the original rudeness of the barbaric nations yielded to successive improvements, as manners softened, and the arts of peace were cultivated, the propensity to add to their [women's] emolument, grew stronger.... A right to succeed to feudality was, by degrees acknowledged in the sex; and when invested in the

⁷¹ The same subject was continued, 225-7.

⁷² William Fraser, The Sutherland Book, 3 Vols. (Edinburgh, 1892), I, 462. See also letters relating to the affair, III, 303-15. The Countess moved to George Square in 1773, and there was tutored by a number of the literati, including Principal Robertson.

⁷³ Carnie, 'Life and Writings of David Dalrymple', 72.

grant, they were to exert all its civil rights. Though they deputed its military command, they could sustain its honours and prerogatives (32).

Comments like this, understood in the context of the Sutherland cause, may have generalised interest in the View.

5.5. Reception and Translation

The first notice for the work appeared in the Scots Magazine for January 1778. It featured as the lead article in the March 1778 issue of the Critical, where it was praised as 'a valuable acquisition' with an 'expressive elegance of style; an uncommon vigour of mind; with a spirit of research and investigation, which judiciously refuses implicit confidence in...*great authorities*'. The Monthly voiced a similar recommendation.⁷⁴ In 1778, Stuart's influence with the London reviewers was such that the work was, as Murray wrote, 'highly commended in all the Reviews'.⁷⁵

The View also received attention on the Continent. A German translation by Friedrich von Blankenburg quickly appeared in 1779. His interest in the condition of women in the pre-commercial stages of society led him in the following year to translate Alexander's History of Women. Stuart's assertion that the Germanic women in the early feudal state were held in high regard was a feature which may have appealed to Blankenburg and perhaps to the German-speaking audience he addressed.

⁷⁴ The Critical article was by John Richardson; see Murray's letter to him, 2 Feb. 1778. MC. The Monthly, 58, 207, by John Gillies.

⁷⁵ Murray to Robert Liston, 13 April 1778, MC.

In 1789, just before the eruption of the French Revolution, a translation of the View by Antoine Boulard was published in Paris. Boulard's Tableau des Progrès de la Société was prefaced with remarks urging a series of political reforms designed to remove many detrimental features of feudalism. Stuart's somewhat idealised descriptions of an ancient republican spirit in the early stages of feudal society would have appealed to Boulard and the revolutionary leadership.⁷⁶ Stuart did not live to witness the French Revolution. But, like John Millar and other Whigs of the day, he would have approved, at least initially, of the ideals of the movement. Here the ancient liberty, brought from the woods of Germany, was reasserted in the streets of Paris.

5.6. Conclusion

The View is characterised by its refusal to adopt, what David Hoffman, calls, the 'middle course'.⁷⁷ Stuart's rhetorical extremism stands in contrast to Robertson's deliberate equivocation. It also differs from Millar for whom neither contentiousness nor equivocation was necessary. To a certain extent, controversy was evident in the English Constitution, but it was more pronounced in the View. This attitude was accentuated in response to Stuart's increasing sense that the traditional avenues of career success had been closed off. The failure to obtain the Chair of Public Law stood out from among many disappointments he met with and marked the point at which he set himself against Robertson. An even more extreme criticism of the Principal was

⁷⁶ See Biographie Universelle Ancienne et Moderne, under 'Boulard'.

⁷⁷ Hoffman adds that the work 'contains many opinions which an acquaintance with the rise and progress of the British constitution forcibly contradicts, and much learning and research misapplied, or wilfully prostituted by party prejudice'. A Course of Legal Study, I, 144.

inevitable in the Observations, Stuart's next work and the subject of the following chapter. Stuart was vindictive, but he justified himself in a wider context. It was the Scottish controversialist tradition to which he appealed. Undoubtedly this approach was fuelled by a splenetic disposition, the result of many disappointments he attributed to Robertson.

This legacy of antagonism characterised the last eight years of his life. He entered into this role with his usual energy. If these years were embittered they were likewise productive. Paradoxically, his animosity drew him closer to the Scottish establishment, for only by challenging the ideas and principles of its leaders could he have any impact upon it.

Chapter 6

Observations concerning the Public Law of Scotland: 1779

6.1. Introduction: Contemporary Themes and Events

Stuart wrote the Observations in the last few months of 1778 when he was living with his parents in Fisherrow. They were published in January 1779 by William Creech, Stuart's former partner in the Review. John Murray had offered him £25 for the work, but apparently Creech was willing to pay more.¹ As part of the agreement, however, Murray's name was affixed to the titlepage as the London publisher. He also purchased a number of copies from Creech. Stuart knew that Murray would make every effort to see that the work succeeded in London. On 13 January the Caledonian Mercury advertised that the Observations would be 'published in a few days'; and one week later it could be purchased at Creech's shop for five shillings in boards (or six shillings 'neatly bound').²

Alongside these advertisements, the leading news in Scotland was the opposition which was mounting against proposed Catholic relief legislation. Articles and letters against the repeal of penal laws imposed on Catholics and announcements concerning the activities of Protestant Associations filled the Caledonian Mercury and other Edinburgh newspapers through^{out} the second half of 1778. During the last days of January 1779, this simmering public opposition erupted in rioting. Mobs roamed the streets of Edinburgh vandalising and

¹ Murray to Stuart, 3 Oct. 1778. MC. Stuart did not mention how much he received from Creech.

² The work was first announced in the SM, 41 (Jan. 1779), 43, with a reprint of the Preface. In London, the sale was delayed until March 1779.

setting fire to the property of Catholics and their sympathisers. William Robertson, the leader of the campaign favouring religious toleration, was among those threatened. He and his family were forced to seek refuge in Edinburgh Castle. Was it a coincidence that Robertson was the central object of criticism in the Observations?

Although there are few references to Popery or Protestantism, the tone of the work is implicitly connected with the volatile issue of religious toleration. Other issues relating to political and social reform in Scotland also clarify Stuart's extra-scholarly purposes in writing the Observations. One example is the proposal of Lord Mountstuart (to whom the work was dedicated) to establish a Scots militia. Another is Stuart's call to remove features of Scots law which allowed the exercise of arbitrary authority by Court of Session judges. These are the important features of the Observations which are considered in this chapter.

6.2. Anti-Catholic Activism

In May of 1778, a parliamentary bill was proposed by George Saville to remove many of the religious and legal restrictions on English Catholics. It passed with little opposition. Anti-Catholic laws had been in effect since the turn of the century. They punished priests for saying the mass, prohibited heirs from inheriting property, and disallowed the holding of public office, including in the military. In practice, however, many of the restrictions on Catholics were no longer enforced, but the necessity of raising troops from the Catholic population to fight in the American War required the official passage of a Catholic relief bills for England, Ireland, Canada, and Scotland. Because of stipulations in the 1707 Treaty of Union separate legislation was necessary for

Scotland. Henry Dundas was the political force behind this bill, which was to be decided in May 1779. But in the previous months it met with such adamant extra-parliamentary opposition, culminating in the Edinburgh riots, that it was ultimately rejected. Dundas realised that he would lose influence 'if the religious passions of the nation were roused against him'.³ In enlightened Edinburgh the voice of the common man overwhelmed that of the tolerant intelligensia.

Stuart's role in the anti-Popery affair is not precisely known. He was in Scotland at the time of the riots and may have written one or more of the numerous anonymous pamphlets circulating at the time. He was, with the majority of Scots, against Catholic relief legislation. John Murray wrote to Creech just after the riots to 'congratulate Edinburgh on its noble opposition to Popery'.⁴ Stuart probably felt a similar satisfaction at the success of the popular movement, though he may have objected to the destruction in which the riots resulted.

The widespread antipathy towards Catholics in Stuart's time had many sources. A revolution of government in 1688 removed a Catholic monarch from the British throne and established a Protestant succession. Since the events of 1688, Catholicism and Jacobitism were closely associated. Though gradually this came to be less of a political issue, as a popular idea it held true, particularly in Scotland. More recently, the Seven Years' War had accentuated the political rivalry between Catholic and Protestant countries.

³ Omond, The Lord Advocates of Scotland, II, 95.

⁴ 9 Feb. 1779. MC.

Richard Sher has traced the course of events--as they were voiced in the General Assembly, in the press, and in numerous pamphlets--leading up to the January riots. He places the Scottish legislation in the context of the other English, Irish, and Canadian relief bills (each of which had been successfully signed into law), the American conflict, and local Scottish politics. Of the significance of the 'No Popery' affair on the Scottish civic establishment, he offers these remarks:

This struggle...between popular prejudice and enlightened elitism...became a test of the authority of William Robertson and the Moderate literati in the Church of Scotland.... The retirement of William Robertson from church politics shortly after the conclusion of this controversy represented...a kind of public admission that the Moderate Revolution in the kirk was finally grinding to a halt.⁵

For Stuart, Robertson's defeat must have been satisfying. His comments in the Observations had undermined the political stability of the Moderate leader. It was perhaps illiberal to oppose Catholic relief, but the voice of public opinion outweighed the argument of an elitist circle of men for religious toleration.

In a political light, Stuart viewed the Association Movement as a sign of 'the people' claiming the right to be heard and govern themselves. The idea of public liberty was by no means foreign to eighteenth-century society, but it had made marked advances from Wilkes-ite movements and such events as the American declaration of independence. In the Observations, Stuart offered an historical precedent to emphasise this point. Referring to the reign of Charles II, he wrote:

⁵ Sher, 277, and generally the section entitled 'The Cry of Intolerance', 277-97. See also Black, The Association.

While the spirit and forms of the antient government were invaded, and while the civil rights of the people were objects of mockery, the freedom of religious principle was also attacked.... Every art was employed to divide the protestant interest, and to give countenance and encouragement to popery. A tyranny, extensive as well as cruel, was about to strike deeply its roots into the soil (137).

The expression of a whiggish view was used by Stuart to incite opposition to Popery. Anti-Catholic sentiment and the movement for political reform were seen as interdependent. They were united in opposition to government authority. Christie, in Wilkes, Wyvill, and Reform, points out that after the Quebec Act of 1773, which gave recognition to the Roman Catholic Church, 'anti-Catholic forces joined the radical agitation'.⁶

The example of Protestant activism was repeated shortly afterwards in London, when efforts were made to repeal the English relief bill. The Scottish opposition to *proposed* legislation was successful. The English attempt to repeal *existing* legislation was a catastrophic failure. The leader of the English 'No Popery' movement was the Scotsman Lord George Gordon after whom the infamous *Gordon Riots* were named.⁷ This event, brought to life by Dickens in Barnaby Rudge, is discussed in the following chapter in relation to Stuart's Reformation (1780).

It may be difficult nowadays to comprehend the antipathy aroused by such legislation. The anti-Catholic events in Scotland and England emphasise the contrast between the profound theoretical conceptions about the workings

⁶ Christie, 60.

⁷ See Hibbert King Mob: The Story of Lord George Gordon and the Riots of 1780. See also Watson's The Life of Lord George Gordon with a Philosophical Review of his Political Conduct (1795) which placed Gordon and the Association movement in the context of the rise of public opinion and political reform.

of society which writers like Hume, Smith, and Ferguson were articulating and the reality that while their works were being read, the populace of Edinburgh and London were totally out of control. Who, one might ask, was enlightened? and to what end?

6.3. The Attack on William Robertson

In the Observations, Stuart reinforced his challenge to Robertson. He did not forget or forgive the disappointment of the Public Law Chair. The alterations he made to the View in order to draw unfavourable parallels with Robertson's 'View of Europe' had rather exacerbated than exhausted his vindictiveness. Furthermore, the Moderate leader's controversial role in support of Catholic toleration presented Stuart with an opportunity to attack when his adversary was in a vulnerable position. While preparing the Observations, he wrote to John Murray explaining the motives behind the work. Murray knew that Stuart too often went to extremes and compromised the scholarly quality of his writing. He therefore offered moderating advice.

I thank you for your candour in disclosing to me the motives of the publication and I have no objection to its answering your purpose; as I am by no means an adorer of the great man against whom your attack is levelled. I even thinks [sic] he merits your discipline.⁸

Murray had observed the calculating manner by which Robertson refused to involve himself directly in controversy and therefore recommended that Stuart adopt a similar tactic. 'Disguise the object of your attack; let the author be mentioned handsomely, and permit nothing rancourous to be said against the

⁸ 19 Sept. 1778. MC. Stuart's letters from this period are not extant.

man'.⁹

Stuart did not follow this useful advice. He made no pretence of a subtle challenge, though in his mind it may have seemed as if he had. In terms of the sale of the work, the result was problematic, particularly in London. Even before publication there, Murray wrote to inform Stuart that the Observations 'must struggle against a formidable phalanx who are prepared to oppose it with earnestness and vigour'.¹⁰ Robertson had many supporters in London. It was obviously in the interest of his own publishers to ensure that Stuart's attack was denied credibility. Murray remarked in this regard that their interest in Robertson's works 'will be affected exactly in proportion to the credit which is paid to your book, by the public'. He acknowledged that their boycotting efforts had, even before the London publication, met 'with such success, that I suspect some of your friends are sucked into the vortex of your enemies'.¹¹ Stuart's literary associates had been frightened into submission or silenced by threats from the influential London booksellers. Murray was not only concerned about this state of affairs on Stuart's behalf but for himself. A sum of money he had recently inherited had, he wrote, 'excited hatred -- and those persons who wish to damn you as an author have it next at heart to ruin me as a publisher'. Turning to more general reflections, he remarked:

It is the character of our countrymen to abandon a small connection for a great one without any regard to generosity or honour. In the moment their assistance can be of use it is withdrawn. Ties of friendship are feeble barriers to them against

⁹ Ibid..

¹⁰ 11 March 1779. MC.

¹¹ Ibid..

superior influence.¹²

In the early 1790s, Robertson explained the detrimental effect he felt the Observations had had on him at the time of its publication. In the following quotation, he referred to Stuart's Reformation rather than to the work at hand. But it is possible that the Principal (or Thomas Somerville who recorded the conversation at a much later date) mistook one work for the other. Robertson stated:

'What above all was detestable, at a time when I was fighting for a cause so sacred as religious liberty, [Stuart] concluded his History of the Reformation with reflections evidently intended to expose me to popular odium and personal danger'.¹³

It is true that the Reformation ends with 'reflections' that might be interpreted in such a manner.¹⁴ But in the Observations, there is a sustained attack on Robertson, especially in the final pages where Stuart commented that 'the general descriptions...and strong conclusions of Dr. Robertson, are not to be admitted, and appear without any solid support of reason or learning' (365). Finally, based on the January 1779 date of publication, coinciding with the Edinburgh riots, the Observations are a more obvious substitute for Robertson's comment.¹⁵

¹² Ibid..

¹³ Somerville, My Own Life, 275.

¹⁴ This point is resumed in Chapter 7.

¹⁵ See Sher, 289.

6.3.1. 'Character of a Certain Popular Historian'

To heighten public antipathy against Robertson, Stuart printed an anonymous broadside around the time of the riots. In the title, he described his opponent as 'a Ministerial agent for Reconciling the Complaisant Clergy to the Church of Rome'. A version similar to the broadsheet, but without its anti-Popish title, appeared in the Morning Post for 18 January 1778 under a new section entitled 'Portraits of the Great and Eminent'.¹⁶ He probably wrote it sometime after the disappointing failure of the Public Law Chair. Stuart reflected on the history of his association with Robertson when he wrote: 'To oblige him, is to secure his detestation'. As an individual, as a clergyman, and as a political figure, Robertson was severely attacked.

The Earl of *Bute*, who has loaded him with all the offices he now enjoys, he postpones to the Duke of *Buccleugh* [sic]; and, when the latter has conferred his favours, he will bow to another idol.... His want of Political Steadiness, is an illustration of his Moral Rectitude.

Stuart led the public to believe that David Hume wrote the piece by noting that the character was taken 'from the Writings of a Celebrated Philosopher, now Deceased'. Hume was friendly with Robertson; but, like Stuart, he too had been denied an official place in the Moderate's elite circle. It was a poignant though less than plausible way to undermine the Principal. He cast Robertson in the role of a betrayer to show that the latter's religious liberalism was politically motivated. The antiquary George Chalmers remarked of Stuart in the context of

¹⁶ It is reproduced in Appendix 4. Evidence that Stuart was the author is found in a letter from John Murray, who wrote that 'the Character was republished...in the Morn[ing] Post & was much spoken of'. Murray to Stuart, 18 Feb. 1778. MC. A possible source for the title is Alexander Pope's attack on the Duchess of Marlborough, 'A Character of a certain great Duchess deceased, by a certain great Poet lately deceased' Harleian Miscellany (1746), VIII, 212.

this broadsheet: 'He wished much to have been a professor at Edinburgh but failing this by Robertson's means, he drew a character of the Principal very disadvantageous but I am afraid not far from truth'.¹⁷

6.3.2. Character of the Observations

The main narrative of the Observations (146 pages) is accompanied by a large quantity of what Stuart called 'Proofs, Illustrations, and Controversy' (225 pages). Clearly, the twenty-nine notes are an integral part of the Observations.¹⁸ In this subsection Stuart extended his textual arguments, freely speculated on related subjects, and challenged the conclusions of other historians.¹⁹ Stuart dispensed both praise and censure more liberally than in the English Constitution and the View. Lord Hailes, for example, was commended for his knowledge of Scottish constitutional history (Note I, 151), while Lord Kames, David Hume, and especially William Robertson were more frequently the objects of disagreement.

In eleven of the twenty-nine notes, Stuart criticised Robertson's introductory narrative in Book I of the History of Scotland. This work was first published in 1759 and had been immensely popular. Stuart's satirical invective was severe and often personally directed. Robertson had never been attacked so blatantly. Creech wrote to Stuart during the printing of the work to

¹⁷ EUL: La. II, 451/1. Sher mentions this broadsheet, 289.

¹⁸ On the title-page of the note section, Stuart emphasised the contentious character of his study with a quotation from Livy. It translates: 'Each man should like or dislike men according to his own judgement and ought to approve or disapprove of things; and he should not depend on the expression or nod of someone else; nor should he be influenced by the mind of someone else'.

¹⁹ These 'related subjects', interesting in their own right, include an explanation of why stags' antlers & birds' beaks are displayed on walls as trophies (Note XV, 245-6) and a short discourse on the origin of blackmail (Note XV, 251-2).

remonstrate against these expostulations. Stuart suggested that if he was fearful of resentment, the publisher should be changed to John Bell, provided Bell would adhere to the original financial agreement. The ironic tone of the reply to Creech is typical of Stuart.

The idea you mention, that my work is altogether against Robertson is a fiction of idle people. I sincerely declare to you that I will never submit to do so much honour to that gentleman as to write a book against him. I do him, indeed, the respect to oppose some of his opinions; but this business does not even employ my text. I only treat of him in some Notes.²⁰

Such a letter did little to calm the publisher's anxieties. In the end, however, Creech's name appeared on the title-page. He probably regretted having published the work and did little to promote its sale. He was remiss in sending copies to London. When they did arrive, Murray wrote to him remonstrating that he 'direct some person to advertise it' in London. 'My pains & industry', he added, 'are vain without you [to] act the part of a proprietor'.²¹ Creech was probably more concerned about his reputation with other London publishers than in the success of the Observations. A number of months later, Murray reflected on his inadequate management of the work, and wrote rather angrily that 'it is my opinion you did not mean it to succeed'. Murray also returned a number of unsold copies.²²

Robertson could exert his influence in Edinburgh literary society to the detriment of uncooperative booksellers. But Stuart's literary connections were also considerable. Favourable accounts of the work did appear. The Critical

²⁰ Stuart to Creech, 17 Nov. 1778. SRO: RH4. 26A/1-3.

²¹ 2[?] March 1779. MC.

²² 27 July 1779. MC.

remarked that 'Dr. Robertson is most frequently the object of [Stuart's] critical animadversions' and added that the latter 'enjoys a great advantage over historical writers and antiquaries, who are not conversant in the laws of the country'.²³

The criticisms of Robertson stand out from the Observations. Like the letter to Creech, they are often ironic in tone. They emphasise the corrective role in which Stuart as an antiquarian saw himself and show the rhetorical method which he employed. In relation to this, Stuart challenged the deductive system which he believed characterised Robertson's preliminary survey of early Scottish history. Robertson reasoned largely from principles and presented only the evidence which suited his original views. Stuart examined evidence impartially and drew conclusions based on observation alone, or so he claimed. However, he may have failed to see that the purpose of Robertson's hypotheses about feudal society was to recall the ambience of an age vastly different from modern commercial society. Robertson's History of Scotland was written for a wide and generally educated British public with a view of promoting Anglo-Scottish relations. He emphasised the similarities between Scottish and English feudal history. One aim of this comparison was to improve Anglo-Scottish relations in his own time.²⁴ In Stuart's mind it was an effort by Robertson to ingratiate himself to the Court. In doing so, Scottish history was falsely portrayed and Scotland implicitly subjugated.

Stuart's Observations, by contrast, were written to

²³ Critical, 47 (April, 1779), 275-84. Stuart may have written this review. The Monthly, 60 (April 1779), 269-81 (by John Gillies) voiced more guarded approval.

²⁴ Sher, 102.

pedantically-minded, republican-spirited Scotsmen in order to heighten patriotism and undermine Robertson and the Tory establishment. As Stuart wrote in the Preface, 'What I have written is to the few, and not to the many' (x). He objected to the appearance of deep scholarship in Robertson's work where in fact the author had only synthesised the conclusions of others. Mark Duckworth, in a study of Robertson's historiographic technique and literary style, clarifies this particular objection.

Robertson carried out a certain amount of research himself, but he gives the impression that he has done a great deal more than he has done, and that he is thereby departing from former historians more than he actually does. He does to some extent therefore 'affect' erudition.²⁵

Such criticisms are not intended to detract from the value of Robertson's¹⁵ works. This even Stuart acknowledged when, for example, he wrote: 'I am far from being insensible to the peculiarities of his merit' (367). Stuart asserted that historical facts, whether they clarified or complicated a narrative, should not be overlooked or modified. Specifically, he noted that Robertson (in Book I of the History of Scotland) described the 'continual indigence, anxiety, and dependence' of the early Scottish kings and the extraordinary power of the Scottish nobility. Stuart (in Notes VI and XIV) challenged such 'humiliating and hypothetical tenet[s]' (181) as inconsistent with the evidence of feudal laws and manners. He censured Robertson for judging earlier times by the standards of his own, for copying from other historians, and for presenting an inaccurate (though well written) description of feudal society. Here the patriotic Scottish Whig challenged (as Stuart would say) 'the advocate for monarchical tyranny'.

²⁵ 'Technique and Style in the Works of the Historian William Robertson', 111.

In Note XXIX, Stuart wrote of Robertson:

A propensity to embellish other men's notions, without considering enough on what authority they are founded...is a constant and a teeming source of mistake to this showy and elegant historian. It is thence that he holds out many a frail opinion to glitter and to perish. To collect these cannot be interesting to me. But, though I could not submit to make a chronicle of his errors, I have been induced to wipe away, and to dispel in part, the stains and the gloom they would fix upon our story (366-7).

It is not surprising that Robertson was offended by Stuart's attack in the Observations. It was remarked by William Adam, a close friend of the Principal, that he was determined to take legal action against Stuart and had never been 'so much bent upon any thing'.²⁶ Adam explained to Robertson that such an action would be problematic. For one, the case would have to be heard in an English court since Stuart then resided in London at the time. Further on, Adam spoke generally of the legal climate of the time in which such literary disputes were received:

All publications were legitimately liable to criticism, and the question for the jury always was whether the observation, however severe, was dictated by a spirit of criticism, or the result of a vindictive malicious spirit. That Judges as well as juries were inclined to give great latitude in encouraging a spirit of criticism.²⁷

Robertson's decision not to pursue Stuart was a prudent one. A public opportunity to confute the opinions of the leading historian of the day would have pleased Stuart and would have gained Robertson little advantage. In some instances, his corrections of Robertson were justifiable though his scathing

²⁶ Sequel to the Gift of a Grandfather, 53.

²⁷ *Ibid.*, 54.

manner was less so. Still, the ironic qualifying tone of many of Stuart's criticisms would have made a 'vindictive malicious spirit' difficult to prove in court.

Adam concluded his account of this incident with the comment that 'Dr. Robertson's reputation as an historian remains untouched, and that Stewart, [sic] if not entirely forgot, is rarely heard of'.²⁸ In the years to come, Stuart mounted similar attacks on Robertson over other controversial subjects of Scottish history. Though with his own History of Scotland he met with more success than the Observations, he could not hope to entirely surmount the political and literary monopoly which Robertson had built in Edinburgh. The interest in their encounter is not so much to determine who was right about points of feudal scholarship but to use the intellectual and political history of the day to understand Stuart's works. More generally, it should be remarked that such attacks were typical of the age. One has only to read Bentham's Fragment on Government (1776), a critique of Blackstone's Commentaries, to understand the unlimited boundaries allowed for critical remark.

Robertson maintained a cautious distance from Stuart. His eldest son, however, did not. He was involved in a quarrel with Stuart in early March 1779. According to Henry Brougham, the affair led to a duel, 'in which neither party was hurt'.

An accommodation having taken place on the field, I have heard Stuart's second say that he was obliged, knowing his friend's intemperate habits, to oppose the proposal which he made with his usual want of conduct.... That second, an able and an honourable man, always admitted Stuart's unjustifiable conduct

²⁸ Ibid..

towards the historian.²⁹

Stuart wrote to Murray with an account of the duel, but this letter is not extant. Murray was interested in 'the affair with young Robertson' but more anxious to report of the Observations that 'every person I converse with censures'.³⁰

6.4. Feudal History and the Scots Militia Issue

Many of the themes in the Observations are similar to those Stuart discussed in the English Constitution, the 'Discourse' prefixed to Sullivan's Lectures, and the View.³¹ In this work, however, he examined social development from the particular example of Scottish history. Once again, he offered a two-stage model of feudal society, with emphasis placed on the first mutually beneficial period. In the introductory chapter, he justified the study of Scottish feudal law by asserting its individuality, antiquity, and original liberty. Scots law did not develop, as Lord Kames had asserted, in imitation of the English law (Note I, 149–55).³² From this note, Stuart returned in the text to a review of the manner in which land developed from a 'precarious' condition to become hereditary. At the outset, the tone is patriotic and the style succinct.

Wherever feudality was to flourish, it was to grow from the root.

²⁹ Lives of Men of Letters, II, 308. Stuart offered some interesting comments on dueling in the View; and not surprisingly, confuted the opinions of Robertson (in Note 22 of the 'View of Europe') on this subject: 'The duel was, in one view, a precaution of civil polity; in another, an institution of honour.... In reading what many authors have amassed on the duel, it is difficult to know what refers to the former state of the matter and what to the latter.... Even in the researches of Montesquieu, concerning judicial combat, there is...embarrassment; and, in the observations of Dr. Robertson...the confusion is evident and palpable' (345–50).

³⁰ 11 March 1779. MC.

³¹ Stuart typically cited these works on numerous occasions.

³² A point on which he criticised Kames in the first critical note of the English Constitution.

The tree could not be carried to a foreign soil. Its native earth could alone preserve it in existence, and give the aliment that was to make it rise into height (10).

This soil metaphor is one found frequently in the Observations. In the Preface, for example, Stuart asserted that Scots law, though 'hid in the ground', 'abounds in riches' (viii). In the Conclusion, the feudal law, 'a venerable oak which had expanded its branches so widely...was to deposit in its grave the skeleton of that prodigious system, which had risen to so great a height' (146). These metaphors emphasise a principle central to eighteenth-century thought, that land and the rights and duties associated with such property are the basis of law and society.

In Chapter II, Stuart discussed military service, that bond between lord and vassal which secured property rights. Accordingly, he reviewed the history of the Scottish militia from early times to the Restoration. In general, he remarked that 'to be free, was to have a title to go to the war and to seek renown' (17). Such a definition reiterated Stuart's idea of 'the people', but it also might have been a source of motivation for the January rioters. A polemical tone emerges when he asserted that the right of Scotland to re-establish its militia is 'a claim which cannot be controverted' (38). In voicing such an argument Stuart placed himself in a line of post-Union Scotsmen--from Fletcher of Saltoun to Alexander Carlyle--who advocated a national defence. There were many reasons why the Scots desired a militia and many instances after the Union when they tried to establish one. Stuart was undoubtedly familiar with Gilbert Elliot's militia bill of 1760-2 (proposed in the immediate context of the Seven Years' War). Although unsuccessful, it had the active support of the Moderate Party and served to animate Scottish national

spirit.³³ John Robertson, in the Scottish Enlightenment and the Militia Issue (1985), summarises the importance of this topic in mid-eighteenth-century Scotland.

The militia issue called upon the Scots to reconsider the two themes historically embodied in their martial heritage, the structure of landed society and the national identity, in the light of their eighteenth-century achievements of political stability and economic development.³⁴

More recently than the militia bill of the early 1760s, Stuart had supported Lord Mountstuart's initiative.³⁵ In November 1775, his bill was proposed in the House of Commons (in the context of the American War). Support in Scotland for Mountstuart's bill appeared to be strong. Boswell described a public debate in Edinburgh where he 'made a vigorous harangue' to 'rouse a general spirit' for the bill and even contemplated writing a pamphlet in its favour.³⁶

In that same month, Stuart put a notice supporting Mountstuart's bill in the Review. He referred to Elliot's defeated 1760 bill and to other 'Scots patriots whose names will ever be revered by their country'. Support for the new bill was based on constitutional and pragmatic grounds. It was important to 'render the union more compleat' [sic] and allow the Scots to defend

³³ See Sher, Chapter 6, for a useful account of this issue, esp. 235-7;

³⁴ Robertson, 8.

³⁵ The fourth Earl of Bute. His tutor had been Adam Ferguson, a founder of the Poker Club. Sher suggests that it was 'quite possible that he acquired his zeal for militia from his old tutor'. Sher, 235. A contemporary account of this militia bill is found in the SM, 38 (April 1776) 681-9.

³⁶ The Ominous Years, 186-7 and 214. See also the Life of Johnson II, 431. It is possible that Gilbert Stuart attended this same meeting.

themselves against 'revolted America' and their European allies.³⁷

At one level, Mountstuart's bill might be seen as an attempt to reassert his family's political interest which the rise of Henry Dundas and the Duke of Buccleuch had eclipsed. After the defeat in April 1776, Boswell clarified Mountstuart's motivations in the context of Scottish politics.

David Ross [an associate of Boswell] talked of the Duke of Buccleuch's imagining that he should be Prime Minister for Scotland, and that Harry Dundas was to act along with him... Lord Mountstuart heard this with contempt, and said of Dundas, 'I hate the fellow'.³⁸

Gilbert Stuart shared this animosity towards Dundas, whose power had thwarted his own career. The dedication of the Observations to Mountstuart over two years after the defeat of his bill is curious. But Stuart's loyalties (or his hopes of preferment) were anything but transient. Mountstuart was, after all, the pre-eminent opposition leader in Scotland.

The defeat of Mountstuart's militia bill did not quiet the issue for long. The war with America, like the Seven Years War before it, heightened Scotland's awareness of its defenceless coastline. Early in 1778, the piratical activities of John Paul Jones on the West Coast prompted another revival of the Scots militia issue. It was feared that the British army might not be able to protect Scotland from foreign invasion. Alexander Carlyle, Stuart's parson at

³⁷ Review, IV, 671. In the Caledonian Mercury for 25, 27, and 30 March 1776 there were printed a series of letters relating to the militia bill which were subscribed 'Stuart'. For two of these references see Robertson, 153, note 25. He does not attribute them to Gilbert Stuart; and I can only speculate that he was the author. Another candidate might be Mountstuart himself.

³⁸ The Ominous Years, 130. Boswell's own feelings towards Dundas were similar. He referred to him as a 'liar and a scoundrel'. *Ibid.*, 248 and in another place remarked that he disliked 'that overbearing selfish, Whig family'. Boswell in Extremes, 213.

Inveresk, and a committed Moderate, was active in mustering support for a militia at this time. He placed the issue in the context of Scottish national spirit and equality with England much as he had done in the early 1760s.³⁹ Stuart's advocacy of a militia in the Observations, similarly placed within an optimistic pro-Union context, can be seen as another voice against English oppression and in support of Carlyle's efforts. There was another dimension to the topic: in the minds of many Scots, defence against foreign invasions, or againsts Papists amounted to much the same thing.

The Jacobite rebellions had been a source of English objection to a Scots militia. However, by the 1770s Jacobitism was, as Stuart put it in the Observations, 'retiring to seek obscurity and repose in its grave' (39), and thus no longer a valid political fear. In Stuart's day, a Scot was either a Jacobite in retirement or aⁿ advocate of the Union who perhaps held a nostalgic or sympathetic though apolitical regard for the House of Stuart. In the tradition of a good Hanoverian Whig, Stuart defended the Union, 'the most important transaction in the history of Scotland' (140), as an event from which Scotland had much to gain. He offered reasons why this should be the case: according to the Articles of Union the level of Scottish representation in the British Parliament was proportionately greater than the land-tax which it had to pay.⁴⁰ It is significant that the raising of a Scots militia would be paid for out of that tax, further reducing the revenue sent from Scotland to London. Dr. Johnson, in a typically anti-Scottish moment, told Boswell that the Scottish scheme 'was

³⁹ See Robertson, 133.

⁴⁰ The Union, Stuart wrote, 'conferred upon the Scots nearly an eleventh share of the legislature; and they were to bear less than the fortieth part of the public taxes' (141). But five years later, he supported the movement to reform the Scottish electoral system. See Chapter 9.

to retain so much of our little land-tax, by way of paying and clothing a militia'. Boswell's replied that 'you should not talk of we and you, Sir, there is now an Union'.⁴¹

6.5. Scots Law and the Union

Stuart extended his advocacy of the Union beyond the representational and monetary advantages, and thus asserted that Scotland 'may confide more securely in the democracy of England' (142) than in the Scots constitution.⁴² This, however, did by no means lessen the importance of Scottish law and history. This subject had not been studied to such an extent as had its English counterpart. In Stuart's view, such an investigation was necessary to understand how the Union with England was achieved. To this end, he traced the progress of Scottish liberty from 'the woods of Germany' through to the mid-eighteenth century. In the first pages of the Observations, he wrote of the Scots law:

No Selden, no Spelman⁴³ has arisen, to cast a light upon the gloom which conceals our laws, government, and customs; and our historians have copied one another with a convenient and disgraceful servility (3).

Stuart saw himself as the Scottish counterpart to the English jurisprudential scholars of the seventeenth century. Though Scotland had lost its Parliament in 1707, it retained, by the Articles of Union, its own legal system. Thus the

⁴¹ Life of Johnson II, 431.

⁴² This fact may explain why Stuart, who in so many ways was a patriotic Scot, surveyed English constitutional history in his first work. His youthful political optimism had not entirely faded even when he had personally grown more pessimistic.

⁴³ English legal antiquaries.

historical study of Scots law was still profoundly important. Only by understanding how that system evolved could Scotland prosper and resist absorption into the English system. This was an expression of a post- (and pro-) Union nationalistic spirit. Clearly, however, reform of Scots law, with the advent of a modern commercial society was necessary.

From this standpoint, Stuart reviewed the progress of the Scottish legal system. First he provided an historical view of the offices in the jurisdiction of the monarch and then of those connected with the nobility. Then he considered the decline of feudal jurisdiction. The reasons he gave why feudal legal institutions had to be reformed recall the principle of society in its progress 'from rudeness to refinement'. Such institutions, wrote Stuart, 'were suited to times which were simple and warlike, but could not exist under the influence of commerce and refinement' (92-3).

Ten notes (X-XIX) supplement the narrative of this chapter. Many of these attack Robertson. As in his earlier conjectural works, Stuart's opinions balance on the familiar principle of a two-stage model of feudal society in which an original beneficial and democratic period was followed by a corrupt and aristocratic one. But the whiggish model was not so simplistic. Law (the concept which defines the 'privileges, protections, and rights' of men (252)), developed slowly. It suffered from 'prejudice and imperfection' from a mixture of 'wisdom and folly, virtue and vice, knowledge and ignorance, liberality and superstition' (253).

Stuart insisted that Robertson did not take into consideration social progress and regress in his account of feudal society. Instead, he offered a sweeping and ever-progressing picture which overlooked the original liberty of the feudal state. Those who took such a singular deductivist view of feudal

society, wrote Stuart:

forget altogether the mixed form of government which characterised all the nations of Europe, and substitute, in its place, an aristocracy, a despotism, and a democracy. If we are to seek for the truth, we must look to the system in all its branches and connections, and in all its variations (241-2)

Of the law in particular, Stuart argued that the Scottish civilian system, which was largely principle-oriented (or deductive), would benefit from the introduction of less systematic features.⁴⁴ One specific reform he suggested was the removal of the judges' *nobile officium*, or arbitrary power (see below). Here Stuart placed himself in a long line of Whigs who sought Scottish legal reform.

6.6. Municipal Liberty: Contemporary Significance

In Chapter V, Stuart directed his attention to the history of municipalities (or towns and boroughs). Again he contradicted Robertson. From an examination of early laws, he concluded that in early times towns were at liberty and thus represented in the national assembly.

The first condition of the towns and the people...must have been a scene of freedom or of happiness. And, in this condition, corporations and boroughs were actually known, and of importance. The second aera of their history was deformed with miseries. And it was from this wretchedness...that the charters of community were to contribute to restore them (319-20).

Hume and Brady were also challenged for their contrary views on this subject

⁴⁴ Lord Cooper, *Selected Papers 1922-1954*, 207, describes the basic differences between the Scots and English legal systems in terms of induction and deduction (as quoted in Phillipson, 'The Scottish Whigs', 87).

and charged with being 'advocates for the crown' (327).⁴⁵ Stuart did, however, acknowledge Hume's 'uncommon ingenuity' and 'admire his talents' (315). The Magna Charta of King John, to which these historians ascribed the birth of municipal liberty, according to Stuart, 'actually allude[d] to the *freer* and the *happier* condition which the people had enjoyed in the Saxon times' (312). Stuart's argument on this subject was criticised a few years later in Alexander Wright's Inquiry into the Rise and Progress of Parliament, Chiefly in Scotland (1785). Wright supported Robertson and Brady in their assertions against early borough representation.⁴⁶

It would have been clear to the contemporary reader that Stuart's assertion of the political independence of towns related at one level to the activities of the local Protestant Associations in the latter half of 1778. In the early organisational period, each Association sought support within their local provincial synods. To further their opinions, however, they began to petition on a secular level and to this end turned to the governing bodies of their respective boroughs and towns. Within a short time, the strategy of gaining the sanction of local government had advanced, unified, and politically verified the anti-Popish cause.⁴⁷ Here was an example of public opinion at a metropolitan level making itself heard and of an original liberty being asserted over the power of the Moderate oligarchy. The riots which followed, it must be said, did

⁴⁵ Stuart made this point in the View, where he wrote: 'When Dr. Brady...Mr. Hume, and a multitude of writers, enlarge on the low and insignificant state of the towns, and, treating their inhabitants as little better than slaves, infer thence, the original despotism of our government, they are only active to betray their inattention.... Of the two states...of society which prevailed, they have no conception. They knew only the history of towns in their last situation' (397).

⁴⁶ This work was reviewed in the English Review, 5 (March 1785) 161-6 and the Political Herald, I, 37-44.

⁴⁷ Black, The Association, 138, notes that twenty-three boroughs, including Edinburgh, had drawn up petitions to be sent to Henry Dundas against the legislation.

little to advance the principle of municipal or individual liberty. Unfortunately, political theory and its application were not always consistent. But Stuart, some years later, defended the authority of public opinion as the foundation of government.

The pretence of popular disturbance has ever been employed to cut up the very principles of popular power. It is a curious maxim which despotism has invented, and upon which that species of government is supported, that the voice and actions of the people are ever hostile to their own happiness.⁴⁸

The portions of the Observations which deal with the origin and character of municipalities (both in the text and the notes) may also be taken to suggest something about the content of Stuart's unlocated history of Edinburgh. In contrast to a work such as Hugo Arnot's History of Edinburgh (1779), Stuart's narrative probably would have criticised the established institutions of the City such as the Town Council, the University, the Church of Scotland, the Court of Session, and other bodies who dictated Scottish policy.

6.7. Court of Session Reform and James Boswell

In the final note connected with the discussion of jurisdiction and the Scottish courts, Stuart turned from his incessant attack on Dr. Robertson to criticise the excessive authority of the Court of Session. The *nobile officium* of this court, which it inherited from the ancient royal office of the Chief Justicier, invested the judges 'with a power that is above law and above equity' (272). With this prerogative, judges were entitled to make and repeal laws. It was an

⁴⁸ Political Herald, I, 185.

infringement on legislative authority. Stuart described this absolute jurisdiction as an example of 'the unprincipled rudeness of a barbarous age' (268) and as 'Turkish jurisdiction in a country of liberty' (275). Such a comment might have incurred the disapprobation of the Session judges. Stuart therefore enlisted an historical champion in George Buchanan who had been reproached for giving 'his sentiments with too much liberty', and added somewhat emotionally:

Is there a quality in an author so honourable, so useful, as that of expressing what he thinks? Is it proper that science and learning should be put in prison, and dishonoured by confinement and fetters? Miserable is that nation where literature is under any form but that of a republic (276).

Stuart argued that the *nobile officium* was a clear violation of the liberties guaranteed since 1707 by the English Constitution. His appeal to the Whig principles of reform was not singular. From the 1760s to the mid-nineteenth century, reform of the Scottish legal system was sought by Scottish and English Whigs.⁴⁹ Henry Cockburn, in the Life of Lord Jeffrey (1852), clarified the position of the Whigs during their reform campaign of the 1780s.

The sole object [of the Whig Party] was to bring Scotland within the action of the constitution. For this purpose it was plain that certain glaring peculiarities must be removed, and the people trained to the orderly exercise of public rights; and for the promotion of these ends, all sound principles of liberty...must be explained and upheld.⁵⁰

Stuart was not alone in such an appeal. Boswell, a Scottish advocate and the son of a Session judge, likewise voiced his opinion about the need for judicial reform. In connection with such improvements, he wrote two pamphlets: A

⁴⁹ See Phillipson, 'The Scottish Whigs', 186.

⁵⁰ Cockburn, I, 82. Quoted in Phillipson, 74.

Letter to Lord Braxfield (1780) and A Letter to the People of Scotland (1785).

The first sought to correct abuses of the Court's prerogative; the second sought to prevent a reform proposed by Henry Dundas to reduce the number of judges from fifteen to ten. Both of Boswell's pamphlets relate to Gilbert Stuart and the Observations.

Shortly after the Letter to Lord Braxfield was published, Boswell was curious to know the speculations of various legal people about the authorship of the pamphlet. When asked directly, he denied having written it and proceeded to remove suspicion from himself by asking if Gilbert Stuart was the author. The reply to Boswell: 'Give him the Materials, he could write it'.⁵¹ A few days later, Boswell attempted a similar query while walking along the New Bridge in the company of Dr. Robertson. In the Journal from 15 May 1780, Boswell related his conversation.

Robertson...told me he had read the Letter to Lord Braxfield, and that it would do good, for it would show the Judges they are not above censure. He thought it must be written by a Man of business well acquainted with the court. I mentioned Gilbert Stuart. He said it had not the bounce of his style. I suppose Robertson had felt it like a boxer's head thump the pit of his stomach [sic]. 'It is a plain style', said he. 'But very well written', said I. He agreed.⁵²

The stylistic *bounce* which Robertson had felt like a *boxer's thump* was, of course, a reference to Stuart's critical remarks in the Observations. Boswell may have found himself the unsuspecting object of Robertson's ironic humour (provided it is assumed Robertson knew that Boswell had written the

⁵¹ Laird of Auchinleck, 211 (11 May 1780).

⁵² *Ibid.*, 213.

pamphlet). But gentlemanly honour required of Boswell that he remain silent and, like Robertson, *stomack* the remarks on the *plainness* of his style. He was, however, requited by the thought of Stuart's criticisms.

In the second pamphlet, A Letter to the People of Scotland, Boswell warned of the autocratic dangers in which a diminution of the Session judges from fifteen to ten would place the public. It would be an undemocratic reform which would further extend the powers of the Court. At the same time, it would make the judges more susceptible to the influence of the government, particularly to the will of Henry Dundas. In the first pages of the pamphlet, Boswell wrote of the Court:

And let me add, that it has acquired a kind of undefined arbitrary jurisdiction, called its *Nobile officium*, for a full and bold account of which I refer you to Dr. *Gilbert Stuart*⁵³

Here, some six years after the publication of the Observations, Stuart's plea for judicial reform was taken up by Boswell. The pamphlet also contains Boswell's often repeated appellation for Henry Dundas: 'Harry the Ninth'.⁵⁴ When his Letter was published in 1785, Stuart was engaged in direct attacks on Dundas in his writings for the English Review and the Political Herald. Reviews of Boswell's work (possibly by Stuart) appeared in both periodicals. In the first, the reviewer marked the pamphlet as Boswell's 'best performance', but regretted that his satire was 'not sufficiently sharp'. In a rather more condescending manner, it was added: 'if the abilities of the writer had been greater than they are, we

⁵³ A Letter to the People of Scotland, 5.

⁵⁴ *Ibid.*, 6. Boswell was worried that Dundas might challenge him to a duel because of remarks in the pamphlet. But on more than one occasion he had contemplated this same challenge. See The Ominous Years, xvi, 247-50.

should have excused more readily his eternal vanity and egotism'.⁵⁵ In the review, Henry Dundas was censured for 'the despotical principles under which he acts' together with 'his subserviant friend Mr. Ilay Campbell, the present Lord Advocate for Scotland'. By proposing this reform, they were attempting 'to sway and direct more completely the Court of Session'.⁵⁶

In the Herald's review of Boswell's Letter to the People, Stuart emphasised the differences between the Scottish and English legal systems by noting that the jurisdiction of the Scottish court extended to civil and ecclesiastical causes. English courts differed in that they employed trial by jury in similar circumstances. 'Of consequence', he wrote, 'the fifteen judges are to be regarded as the Scottish jury'.⁵⁷ To reduce that number would be detrimental. The campaign against the reform was successful.

6.8. Conclusion

Stuart supported the arguments in both pamphlets. Boswell, for his part, regarded the Observations as a useful work and admired Stuart's capacity as an author. On one level, the work may be seen as an ephemeral personal attack on William Robertson and his leadership of the establishment set in Scotland. The clash between the successful insiders who held professorships, pulpits, or both, and those men like Stuart, who, by the nature of things, were left to form the opposition, emerges on other religious, political, theoretical, and literary levels. The issues of Catholic relief, the American War, court

⁵⁵ English Review, 5 (June 1785), 444.

⁵⁶ *Ibid.*, 441.

⁵⁷ Herald, I, 150-1.

patronage, inductive versus deductive historiography, legal reform, and the function of satire are all relevant to the Observations.

In this work, moreover, Stuart combined the traditions of seventeenth-century antiquarian jurisprudence and of eighteenth-century Scriblerian criticism. It is not an unrelated fact that the Scriblerians satirised the pedantry of the legal antiquarians (such as Selden, Spelman, Brady). Stuart brought together both these traditions in an adept manner which would not have eluded men like Boswell, Dalrymple, and Robertson. In one of the many comments attacking Robertson, for example, Stuart embellished his criticism with a phrase from Pope's Epistle to a Lady. Of Robertson's History of Scotland he wrote:

A gaudy edifice catches the eye; and, while we are about to examine its parts, its foundations give way. 'Fine by defect, and delicately weak' it cannot wait to encounter the tempest (242).

When the Observations made their appearance in January 1779, Stuart was aware that such comments would not ingratiate him with the establishment. In a letter to William Jones, the Orientalist and a supporter of liberal political principles, Stuart clarified the fears he had about the reception of the work.

In two respects, I expose myself very much to censure. I have attacked the nobile officium of the court of session; and I have vindicated the freedom of the Scottish government from the misrepresentations of Dr. Robertson.... With a thousand people, these things are the greatest of all crimes.⁵⁸

Stuart acknowledged that whether his criticisms of Robertson were just or not,

⁵⁸ Stuart to Jones 12 Feb. 1779: quoted in Memoirs of Sir William Jones, 168-9 (159-60 for other Stuart letters). See also G. Cannon ed., Letters of Sir William Jones, 284. In the Review, I, 18-9, Stuart praised him as 'the only English author 'who has been able to treat of the actions of men, with...masterly discernment and sagacity'.

he would probably not gain an ascendancy over his rival. Robertson remained powerful in political and literary spheres, despite his defeat over the Catholic relief bill.

An independent, oppositional role suited Stuart's nature rather more than that of a propagandist. In a further letter to Jones, he wrote to announce a new performance on 'a very remarkable period of the Scottish History', and proposed to send him a copy. In this new work, the Reformation, Stuart set aside the scholarly conjectural manner and adopted a narrative historical form of which William Robertson, his main antagonist, was (with Hume and Gibbon) the undisputed master. 'My former writings', he remarked to Jones, 'have been addressed chiefly to Men of research & learning. In this work I speak to the people'.⁵⁹

⁵⁹ 26 August 1779. Transcribed in MC.

Chapter 7

The History of the Reformation: 1780

7.1. Introduction

Stuart first considered the idea of writing a narrative of Scottish history in 1778, sometime after the publication of the View. Before planning this project, he asked David Dalrymple whether he intended to extend the Annals of Scotland to include the reign of the House of Stuart.¹ Stuart held Dalrymple in high scholarly regard and did not think it prudent to enter into an area of study that was in his domain. Dalrymple was a sincere though cautious supporter of Stuart. However, in the independent position of a Court of Session judge, he distanced himself from political controversies and petty literary encounters. Undoubtedly, he held opinions on such subjects and did whatever was necessary to ensure that his interest was protected.

Dalrymple was a fellow antiquarian and lived at Newhailes, just a few miles from Stuart's home in Fisherrow. He was therefore a useful sounding board when Stuart wrote of his literary plans.

I am anxious to try, whether, I have any talents for narration. 'The Revolutions of Scotland' seems a good idea; but is too extensive. The period from James I to Queen Mary is more to my taste, & would fill up the interval from the times, where your Lordship is to end [in the Annals], to the aera [~~sic~~] when Dr Robertson begins. I could not, however, be resolved, till I knew whether you

¹ The first part of the Annals, 'from the Accession of Malcolm to the Accession of Robert I', appeared in 1776. Dalrymple was completing a second volume, 'from Robert I to the Accession of the House of Stewart', when he received Stuart's letter. It appeared in 1779. Stuart had been instrumental in arranging with John Murray for the publication of the work. Dr. Johnson, like Stuart, employed his skills as an editor of part of the Annals; see Boswell's Life of Johnson, II, 278-9, 283-4, 287, 293, and others.

intended to carry your inquiries beyond the restoration of James.²

Dalrymple's reply is not extant, but he probably encouraged Stuart to pursue a comparable plan. The publication of the Observations intervened between Stuart's letter and the writing of the Reformation. By this time, Stuart was more inclined to challenge Robertson. If the Observations are taken simply as a criticism of Robertson's introduction to the period before the reign of Mary, then the Reformation might be regarded as Stuart's idea of a proper account of that period. Stuart was no longer writing, as he said in the Observations, to the scholarly few. It was also in a less overtly controversial manner that the Reformation was conceived.

Murray, however, was fearful that Stuart would not control his vindictive spirit. He did not want to risk another publishing failure, and therefore wrote to remind his friend that moderation was essential.

As you must in the course of your work encounter D^r. Robertson often, who occupies the same ground, I trust you will be moderate in your refutation of his opinions. You have told me that your book contains not a word of controversy, and I rely that it does not.³

Controversy and proper scholarship were, for Stuart, interdependent pursuits. This method suited his nature and was part of the tradition he inherited from Pitcairne and Ruddiman. But he realised that it was time to change, or at least to employ a less obvious form of attack. Murray supported a new approach. He explained to Stuart that 'if you want to be read you must address yourself to

² n.d. NLS: Newhailes Papers. Acc. 7228/24 f. 51.

³ 2 Oct. 1779. MC.

the capacity of the Multitude', but he added that this must be done without 'forfeiting the attention of Men of sense and learning'.⁴ This 'Multitude' to whom Murray referred was the class of men (and women), the middling ranks, who in the past decade had begun to gain a sense of political awareness.

Over the summer of 1779, Stuart informed Murray that he was 'infinitely busy' with a new work. Despite hearing this, the publisher still encouraged him to continue the View. This, he wrote, 'will do your reputation & pocket more service than any other you can execute'.⁵ Nevertheless, he was pleased that Stuart was entering into a more popular genre and determined to market the Reformation judiciously.

Murray offered Stuart sixty guineas for the first edition, intending to print 750 copies. It was a fair sum, but a fraction of what Robertson and others were getting for their narratives. Murray clearly hoped to publish the Reformation, but as a friend insisted that Stuart 'make the most of [his] performance with another' publisher if more money could be obtained.⁶ To justify his offer, he explained that military defeats by the French had 'hurt Literary business'. However, to tempt Stuart into an acceptance, he informed him that he would commission an engraved portrait to be affixed to the work. This was to be executed by John Donaldson, a Scottish artist of considerable standing who had done a head of Hume.⁷

⁴ Ibid..

⁵ 17 Aug. 1779. MC.

⁶ 7 Sept. 1779. MC. This had been the case with the View and the Observations, though Murray did have a share in them.

⁷ See W. H. Tapp. 'John Donaldson: Enameller, Miniaturist and Ceramic Artist' for an account of Donaldson. The original pencil drawing is in the Murray Archive. It was engraved by John Keyse Sherwin. See frontispiece.

Apparently, Stuart could not procure a better offer. The influence which Robertson had brought to bear against Observations may have frightened the Edinburgh booksellers from a further association with Stuart. Although the distance from London made the preparation of the Reformation somewhat more difficult, Stuart could rely on Murray to promote the work.

To accom^modate the more dignified nature of an historical narrative, and perhaps further indulge Stuart's vanity, Murray planned to print the work on royal paper in quarto. In October he sent a specimen of the printing to Fisherrow, pointing out that the type was new and remarking that 'it will make a handsomer volume than any produced from the London press for these ten years past'.⁸ When the completed manuscript arrived in London, Murray was less than pleased. The work was far shorter than he expected and his calculations for the sale price and profits were necessarily lowered. He wrote a sharp reply:

This event both mortifies and disapoints [sic] me. I had conceived from your description that your work would have made a decent quarto.... I know not how to publish with any degree of reputation a Quarto pamphlet under the name of a Quarto Volume and by the pompous Title too of a 'History of the Reformation of Religion in Scotland'. The accident gives me concern both on your account and my own.⁹

Soon after, Stuart sent along a collection of relevant historical records for inclusion in an appendix. This somewhat abated Murray's concern, but he wrote again asking him to introduce the History with a preface, 'giving an account of

⁸ 2 Oct. 1779. MC. Archibald Hamilton, the editor of the Critical Review, printed the work.

⁹ 28 Dec. 1779. MC.

the manner in which it is to be conducted, and your views in writing it'.¹⁰ To ensure the success of the Reformation, Stuart and Murray both engaged their literary friends to write favourable reviews.¹¹ In the spring of 1780, Stuart reported that the work was selling well in Scotland. Murray was not reassured. Stuart had been known to exaggerate the success of his projects. Murray thus wrote to John Bell for an accurate account: 'I am told it succeeds in Scotland; but your not ordering more copies contradicts the Report more than 1000 tongues asserting it'.¹² Two years later, he angrily commented to Bell that 'the sale of D^r. Stuart's history of the Reformation was obstructed by your behaviour'.¹³ Again, it would seem, Robertson brought his influence to bear.

In this discussion of the Reformation, Stuart's own chronological narrative through the three books of the work is generally followed in order to provide a summary of his version of the Scottish Reformation (however outdated it may be). His polemic ends are also of interest because they often dictate the style and point of view he adopted. The relevance of contemporary events, so basic to a reading of the Observations, is less obvious in the Reformation, but no less important. Anti-Catholic sentiment in general and the Gordon riots in particular are discussed in this context. Finally, certain features of the work are considered for their stylistic or historiographic interest. In what manner did Stuart depart from his contemporaries? What was the nature and purpose of his innovations as a narrative historian?

¹⁰ 1 Jan. 1780. MC.

¹¹ Monthly, 62 (May 1780), 337-41, by John Gillies; Critical, 49 (March 1780), 202-7.

¹² 15 July 1780.

¹³ 15 June 1782. MC.

7.2. Book I: 'Convulsed with Animosities'

In the Advertisement, Stuart asserted, in a manner typical of eighteenth-century historians, the impartiality of his views. It was a claim which in the light of personal and political factors ought to be questioned. He set himself apart from both the annalistic Scottish historians, whose record of events lacked philosophical reasoning, and from the church historians, whose works contain, as he put it, an 'improper mixture of prejudice and controversy' (iii). At the end of the Advertisement, he referred the reader to an Appendix containing twenty-three original documents which, 'shew the actors in the Reformation of Scotland, under the dominion of great passions...asserting their natural independency, and vindicating the political rights of their nation' (iv). These records are documents of religious and political significance, most of which were taken from the works^{of} Knox, Keith, and Spottiswood.¹⁴ They add to the scholarly credibility of the work. The casual reader, however, could easily skip over them as he progressed through the narrative. They differ from the critical and discursive notes in the View and the Observations and are similar in many respects to the appendices to Dalrymple's Annals or Robertson's History of Scotland.

At the outset of the narrative, Stuart emphasised the interdependence of politics and religion, but he gave precedence to the first as a source of human motivation. It was the struggle among politically motivated factions in Scotland not the will of God (as some church historians led one to believe)

¹⁴ Knox, The History of the Reformation of Religion with the Realme of Scotland (1587); Keith, The History of the Affairs of the Church and State in Scotland (1734); and Spottiswood, The History of the Church of Scotland (1655).

that facilitated the establishment of Protestantism during the reign of James V. Throughout the Reformation, Stuart demonstrated the centrality of politics in history.

All the causes which, in other states, afforded popularity and interest to the doctrines of the Reformation, were experienced in this nation; and its political condition furnished to them a peculiar source of encouragement (4).

In order to gain an ascendancy over the nobility, James V aligned himself with the wealthy Catholic clergy. The nobility, in turn, sought the support of the people. Thus 'to the new opinions, accordingly, [the nobility] were favourable from political considerations, as well as from their natural propriety' (4).¹⁵ Stuart never questioned the 'natural propriety' of the reformed doctrines over the imperfections of Catholicism. The criticisms of Popery with which the Reformation opens recall his remarks in the English Constitution, where, as a religion and as a political establishment, the ancient church was criticised for imparting fear and superstition. The Reformation began:

A priest, seated at Rome, claiming the prerogatives of a deity...is a boundless violation of propriety. Prelates...with interests opposite to those of the community of which they are members...may justly be considered as an institution in hostility to the maxims of civil government (2).

Stuart's attack on Catholicism was typical of a large portion of Protestant writing in the eighteenth century. An anti-Popish tradition was especially deep-rooted in Scotland where there were few Catholics and a powerful reformed Church. Stuart criticised the superstition and ritual, the inordinate

¹⁵ By 'propriety' Stuart meant, in this instance, accuracy or justness. See Johnson's Dictionary, definition (2).

wealth and power, and the corruption of the ancient church.¹⁶

In the Reformation, there are no specific references to contemporary religious or political events such as the defeat of the Scottish relief bill in January 1779 or to the campaign in England to repeal similar legislation. It is unlikely, however, that the shift to the more pure form of narrative history required Stuart to disregard the events of his own time. He wrote the work during the interval between the riots in Britain's capital cities and in some manner intended to connect the events of the sixteenth century with anti-Catholic sentiment. In 1551, for example, he noted that laws were enacted to keep people in the 'true and catholic faith, by forfeiting to the crown the moveable goods of all persons who...should delay to reconcile themselves to the holy church' (70). Was Stuart implying that the legal establishment of Catholic religious freedom in the mid-eighteenth century might lead to the repetition of such draconian legislation? Or was he merely raising suspicions against Catholics generally? To many people in Stuart's time, Popery and political subversion were synonymous.¹⁷

Riots were a significant feature of sixteenth-century Scottish history. Michael Lynch, in Edinburgh and the Reformation (1981), documents a number of religious riots in the early stages of the Reformation. These were instigated by Catholics and Protestants alike.

The sight of a well-known and respected local priest being subjected to the horseplay of a protestant mob proved too much

¹⁶ He attributed the rise of Protestantism to (among other general things) the 'invention of the art of printing' (3), an event which facilitated the spread of knowledge and 'disclosed the pride, the tyranny, and the absurdities of the Romish church' (27).

¹⁷ Black, The Association, 132.

for a number of catholics who had lain low until then. A violent and large-scale struggle broke out on the High Street and was only stopped by the intervention of the provost and a force of heavily armed soldiers. Edinburgh was never closer to religious civil war.¹⁸

This description could as easily have applied to Scotland in January 1779.¹⁹

John Murray drew a similar parallel when he wrote: 'It would appear that the bold & daring spirit of fanaticism wants only an object to rouse it to appear at this day as intrepidly as it did in the days of the beautiful Mary'.²⁰

On the whole, Stuart's narrative contains an excess of persecution scenes and of violence generally, towards both Catholics and Protestants. In the descriptions of the first Scottish martyrs to Protestantism, he evoked sympathy for those who died in defence of their faith. From their example many converts were gained. His accounts, if to some extent sensationalised, maintain a rhetorically impartial view of the events. His suggestion that George Wishart 'perhaps... wished in secret to lay down his life for his opinions' (44) recalls the fact that many of the first Christian martyrs were charged with this excess of religious enthusiasm.²¹ These evocative scenes are scattered throughout and complement the main political narrative.

Stuart introduced this latter feature with an outline of the policies of

¹⁸ Edinburgh and the Reformation, 19. Lynch cites other instances of religious rioting: 73, 75, 85, 107-8, 113, 160-1.

¹⁹ Through the eighteenth century, many civic disturbances are recorded: 1736 (Porteous riots); 1740; 1742 (opposition to body snatching); 1756 (relating to the Seven Years War); 1763 and 1765 (over a lack of provisions); and 1778 (a military mutiny). These are listed in A New History of the City of Edinburgh, 31-3. Together these demonstrate a long history of rioting prior to those of January 1779.

²⁰ Murray to Hugo Arnot, 9 Feb. 1779. MC.

²¹ Gibbon made this point in the Decline, Chapters XV and XVI.

James V and Henry VIII. The English monarch, after renouncing the authority of the Pope, sought a Protestant alliance with James V in order 'to prevent his coalition with the Pope and the Emperor Charles V' (15). Stuart said little of Henry's character or politics. James, however, he portrayed as an uncertain ruler who was unable to play off the power of the nobility and the clergy to his own advantage or to the interest of Scotland. The result of his ill- conceived policies was the defeat by the English at Solway Moss in 1542. Shortly after this event, the despairing king died, leaving as the heir to the throne the infant Mary Queen of Scots.

At this point in the narrative, Stuart inserted a brief character portrait of James V. This is an important feature in his narrative writings. In the Review, he commented that the historian's object was to 'exhibit the true character of every personage who appears in his composition [and to] discover the utmost care and penetration in investigating the most retired and latent motives of action'.²² His use of the portrait emphasises the degree to which he was influenced by classical writers where such precedents are found. The Elder Seneca, in the Suasoriae, offered these general remarks on character portraits.

Whenever historians relate the death of a great man they almost invariably give a summary of his whole life and pronounce a kind of funeral eulogy. This was done once or twice by Thucydides.... The generous Livy bestowed it on all great men. Later historians have been much more lavish.²³

²² Review, V, 35. In a review of Dalrymple's Huberti Langueti, Galli, Epistolae ad Philippum Sydneium.

²³ Controversiae et Suasoriae, 6.21. Loeb Classics, trans. Michael Winterbottom (II, 584). Seneca wrote the above in the context of Cicero's death.

Tacitus, Stuart's most important classical model, also contributed to his formulation of the historical obituary. Ronald Syme's comments on the literary technique of Tacitus on this subject can be applied to Stuart. Syme writes:

The commemoration of deaths gives the historian scope for epigram, for praise or blame without subsequent appeal.... With full freedom to choose and arrange, the author unobtrusively suggests lessons of conduct, paradoxes of survival, the gap between past and present. Like the digression, the obituary can be a marvellous device for transition.... Labelling and describing his characters at entrance and exit, an historian, however impersonal his manner, could not fail to leave the imprint of his own judgement.²⁴

Stuart's portrait of James V fits well within the classical model outlined by Syme.

[James V's] greatest fault was the respect he entertained for...the [Catholic] clergy. Though moderate, and even careless in his religious principles, he adopted their intolerant spirit, and forgot that a good sovereign will not persevere in supporting ancient systems of theology, when they have become too gross and absurd for the understandings of his people (24).

Though a few pages earlier Stuart had offered sound *political* reasons why James sought the support of the Catholic clergy (in opposition to the nobility), in these comments the analytical eye of the historian is permitted a retrospective and somewhat less than consistent view of the King and his times. Here Stuart left the 'imprint of his own judgement' on the historical record. The contemporary reader was thus left with the idea that any sympathy or association with Popery could not be condoned.

²⁴ Syme, *Tacitus*, 312-4. See also Syme's 'Obituaries in Tacitus', 79-90. Shaftesbury was probably an influence in this regard. In *Hume and the Heroic Portrait*, Wind remarks 'for Shaftesbury the most favourable moment to be represented in a picture is, precisely, one which points back into the past or forward into the future. The artist should record or prophesy' (23).

With the death of James V, the Earl of Arran was appointed Regent of Scotland; and Mary, during her minority, was sent to France.²⁵ Though Arran promoted the opinions of the new church, he lacked the 'vigour of mind' (28) to lead the country through a difficult minority. With the support of the clergy and of the powerful Earl of Lennox, Mary of Guise (the Queen Dowager) rose up to oppose Arran. In methodic descriptions of these political events, Stuart made it clear that religious ideals were subject to pragmatic manipulation, for both Arran and Lennox renounced their respective faiths to gain political advantage (33-4). He wrote of Arran:

After abandoning his old friends [the Reformers], the Regent...was ambitious to undo all the services he had rendered to them...and, upon the foundation of his authority, the most rigorous proceedings were concerted against the Reformed (38-9).

Stuart portrayed the sixteenth century as a period when the feudal institutions were in decay. However, the systems of a modern commercial polity were not yet in place. The idea that civic republicanism was a force which held together society by aligning the interest of the individual with that of the state hardly existed in Stuart's view of this period. In such uncertain social and political circumstances, a strong leader was necessary to guide Scotland. But James was dead, and Mary was a mere infant.

In the midst of this confusion, the interest of various Scottish factions, as well as that of France and England, made Scotland a political battleground. In the struggle for the regency, Mary of Guise eventually gained a victory over

²⁵ Cardinal Beaton, through political contrivances, held the regency for a short period before Arran. Stuart condemned the character and policies of Beaton in another of his classical portraits: 'He seemed to take a delight in perfidiousness and dissimulation; he had no religion; and he was stained with an inhuman cruelty, and the most open profligacy of manners' (10). This passage was quoted in full in the *SM*, 43 (Oct. 1781), 522.

the Earl of Arran. At this point, Stuart concluded Book I.

7.3. Book II: 'Times of Controversy and Disputation'

This book covers the period from the beginning of the Queen Dowager's regency in 1553 to her removal in 1559. In contrast to the Earl of Arran, she was capable of prudent leadership; and, as Stuart remarked, 'even her indifference on the subject of religion might, in a political view, be esteemed a virtue in times of controversy and disputation' (76-7). Ultimately, however, her policies were not productive of national stability. The Queen Regent's close association with France and her unfamiliarity with the 'manners and genius' (79) of the Scottish people led to disruption and dissent. Her attempt to form a standing army by levying a tax on landowners met with categorical opposition. This idea was antithetic to the independency and the mixed form of government which characterised Scotland. With patriotic fervour, Stuart explained why such a measure, if politically useful to the Regent, was nevertheless a threat to the liberty of the people.

No necessity existed for a humiliating taxation, and for bands of mercenaries. The lives and estates of all the landed proprietors of the nation were at its call. Soldiers, allured with pay, had no sentiment of honour.... From such innovations the most destructive calamities might proceed. They respected their constitution as sacred; and in its stability they acknowledged a decisive proof of the wisdom with which it had been framed (80-1).

Here Stuart employed the rhetoric of civic republicanism in a manner which was intended to recall Fletcher of Saltoun, Elliot of Minto, Lord Mountstuart, and other militia advocates. In its content and style the passage echoes parts of the Observations. Taking sixteenth-century examples, Stuart reiterated the necessity for a Scottish national defence; and in recalling the firm refusal of

the people to accede to the Queen Regent's plan, he suggested that that independent martial spirit was still alive in his own time. Republicanism (conceived within the limits of a constitutional monarchy) was more than a hobby-horse for Stuart. Other assertions that political authority largely belonged to the people are scattered through the narrative. In one instance, for example, the Scots objected to the keeping of French troops in Scotland (132). In another, when the Queen Regent sought, at the instigation of the King of France, to attack England, 'her request was received [by the people] with disgust' (84).

In the course of the regency of Mary of Guise, the Queen of Scots, was married to the Dauphin, later Francis II, King of France. This king was unaccustomed to the limited powers of the Scottish crown and sought to obtain the crown matrimonial (93-4). An act to this end was passed in the Scots parliament, but Francis never received the title. Stuart related this issue to demonstrate the aggressive and usurious policies of France toward Scotland.

When Mary, the Queen of England died, the French court asserted that the Queen of Scots was the rightful successor to the English crown in preference to Elizabeth on the grounds that Elizabeth was the 'fruit of an illicit amour' (156 and 34-5). This policy, pernicious to Elizabeth and advantageous to France, led to innumerable difficulties for Mary when she returned to Scotland. The rivalry which developed between the two Queens as a result of these declarations, and Mary's refusal to sign the Treaty of Edinburgh, is a central point in this period's history.²⁶ In the Reformation, this important affair served

²⁶ It is discussed in the next chapter.

to clarify the manipulative power wielded by France against the best interest of Mary and of Scotland. Stuart implicitly exonerated Mary because she was entirely dependent upon the French court.

Through Book II, the narrative alternates between accounts of the Reformers and their Catholic opponents. It chronologically leads to a military encounter between the two for the control of Scotland. As in Book I, Stuart continued to note the violence connected with the progress of the Reformation. Anti-Catholic sentiment also increased as the teachings of Luther and Calvin spread through Scotland.

The ardour of the populace broke out in acts of outrage and violence. The priests were treated in all places with an indecent ridicule and contempt (86).

This was as much an account of Scotland in 1560 as it was in 1779. Stuart did not condone violence. But he hardly tolerated Catholicism.

In other places, he related the more prudent legally-based methods by which the Reformers gained credibility. For example, men were appointed to be representatives and the First Covenant, a 'formal bond of agreement' (88), was subscribed. As the movement gained in strength, its influence extended beyond the bounds of what Stuart would call 'natural propriety'. To advance their ideas, the Reformers engaged in activities contrary to the tenets they were espousing. Stuart therefore criticised them in much the same manner as he had the Catholics in their efforts to thwart the first Protestants.²⁷

²⁷ To some extent, he followed Hume in his criticisms of the early reformers. But his attitude did not always suit Stuart. See below.

Design and art concurred with piety, novelty, and religion. The leaders of the Reformation, dispersing their emissaries to every quarter, encouraged the vehemence of the multitude.... Amidst the turbulence and discord of the passions, and interests of men, the soft voice of humanity and reason was not heard. The sharp point of the sword, not the calm exertion of inquiry, was to decide the disputes of theology (99–100).

Stuart's diction characterises his particular view of Enlightenment conventions. The use of stock words to define the nature of human conduct ('passion', 'interest', 'reason', 'calm') together with more literary phrases ('the soft voice of humanity', 'the sharp point of the sword') defined in his view the limits of eighteenth-century philosophy and history as instructive tools for society. Scotland could not detach itself from its long and violent military tradition. The rioting of 1779 made clear that the 'calm exertion of inquiry' and civic humanism which in one sense characterised the age of Hume and Robertson, in another was little more than an intellectual idea. Stuart pessimistically viewed the human condition in the time of the Reformation and in his own day. He knew that philosophical reasoning could explain human thought and action, but it could do little to change or improve the scenes in which they were exhibited. Religion was a beneficial idea but more often was detrimental to society, particularly in an institutionalised form.

In ^{the} middle of Book II. John Knox emerged as the spiritual voice of the Scottish Reformation.²⁸ When he returned to Scotland in 1558, he vociferated against the policies of the Queen Regent and against the Romish faith. He inspired the Scottish people into rebellion when a conciliatory policy proved ineffective. Stuart described the political and religious goals of Knox and his

²⁸ Recall Stuart's portrait of Knox in the Review, II, 517–22.

party.

[The Reformers] must humble the pride of the Queen Regent, and expel the French from the kingdom, who had influenced her not only to persecute the Reformed, but to attempt the overthrow of the ancient liberties of their nation.... Putting their swords into their hands, it was now their business to build up the fabric of their religion, or to fall like men (119).

In his account of the progress of the Reformation, Stuart referred primarily to the works of Spottiswood, Knox, Buchanan, Lesley and Keith.²⁹ Though these sources on the whole were favourable to the Reformers (except Lesley), Stuart balanced their accounts with his original assertion that political interest, not the religious expression of a higher good nor the will of God, motivated each party to action. His references to the works of his own contemporaries are few, though Hume and Robertson had both written accounts of this period. In this regard, the Reformation departed from the critical inquiries which had preceeded it.

In one instance, however, he contradicted a conclusion drawn by Hume in the History of England. This concerned the circumstances of the Treaty of Perth--an agreement between the Regent and the Congregation prohibiting the stationing of military troops (either French or Scots) in that city. The historical details are not especially relevant; and Stuart's arguments against Hume, though interesting, are far from conclusive. Nevertheless, his rather flippant comments reveal both the opinion he held about Hume's religious views and about the religious attitude he himself adopted as a historian of the Reformation. Briefly, Hume concluded that national troops in Scots pay (not

²⁹ Spottiswood is cited 53 times, Knox 44, Buchanan 36, Lesley 21, Keith 19, Jebb 17.

French) were maintained by the Reformers in Perth and hence asserted that they had violated the Treaty. Stuart regarded this as incorrect. First he quoted from Knox to prove that the troops were not in Scots pay and second insisted (as one might expect) that 'by the constitution of Scotland, no standing body of mercenaries could be upheld by the sovereign' (123n). Continuing in the footnote, Stuart described Hume's conclusion as

an attempt altogether impracticable, but which suited the despotical maxims he inculcates in his work, and which permitted him to insinuate improper reflections against the Reformers. His political sentiments, however, operated here more than his religious creed. For a writer may do complete justice to the actors in the Reformation, without being suspected of fanaticism, or even of Christianity (123n).

The attack on Hume's 'despotical maxims' was a familiar criticism found also in Stuart's other writings. In his rather humorous allusion to Hume's atheism, Stuart implicitly censured Hume for allowing his religious scepticism to infringe upon historical impartiality, just as the fanatic church historians had allowed their fanaticism to do.

The final portion of Book II builds up to a series of military confrontations between the Queen Regent and the Congregation. In a Gothic manner, Stuart described the havoc which spread across Scotland as the Reformers exerted themselves against the ancient church. After the destruction of the Abbey of Cambuskenneth which 'could not preserve itself from their fury, the gloomy Protestant walked over its ruins' (125). In another descriptive passage, Stuart wrote of the Romish religion: 'An immense and disproportioned structure falling to pieces, covered the ground with unseemly ruins' (194). The Gothic ruin is a fitting metaphor because Stuart was describing the period

when feudalism was giving way to the beginning of a modern state.³⁰

Stuart extended the metaphor to introduce James Stuart, the Earl of Moray, who rose up 'to erect...a banner of the Reformation upon the ruins of Popery' (142).³¹ He considered the character and motivations of this important figure at length. He acknowledged the successes which attended Moray's activity but criticised the means by which they were achieved. To do so convincingly, Stuart looked beyond the effects of actions to understand the principles of Moray's behaviour. Again he emphasised political rather than religious motivation.

The love of liberty...was not, in him the effect of patriotism, but of pride; his zeal for religion was a political virtue; and under the appearance of openness and sincerity, he could conceal more securely his purposes. Power was the idol he worshipped; and he was ready to acquire it by methods most criminal.... To his talents, his genius, and his resources, Scotland is indebted for the Reformation. But by this memorable atchievement [sic], he meant nothing more than to advance himself in the road to greatness (138-9).³²

With his primary players in place, Stuart related the final causes which led to the deposition of the Queen Regent. To effect such an act without the sanction of the sovereign was unprecedented in Scottish history, but Stuart, in a characteristically republican manner, vindicated the removal of the Regent on the foundation of the Scottish constitution (148).³³ At the same time, the new Protestant leaders acknowledged the authority of Francis and Mary. Concluding

³⁰ However, a writer for the *Critical*, in a largely favourable review of the work, 'condemned such poetical phrases as...being unsuitable to the gravity of history'. 49 (March 1780), 206-7.

³¹ He was the half-brother of Mary Queen of Scots, and later the Regent of Scotland.

³² See Chapter 8 for further remarks on the Earl of Moray.

³³ Here he referred the reader to the *Observations*.

Book II, Stuart justified their actions. He alluded to other instances (such as the execution of Charles I and the 1688 Revolution) when the people, 'making...a sacrifice to justice, and an instruction to posterity, conduct [their prince] from the throne to the scaffold' (149).

7.4. Book III: 'The Delicate State of the Congregation'

Although the Queen Regent had been removed, there was yet instability among the Reformers. Alliances were tenuous and subject to the whims of personal interest. The soldiery of the Congregation 'were clamorous for pay' (150), and the Queen Dowager, awaiting assistance from France, sought to reclaim her power. In Stuart's view, the interest of the individual and the strength of the military were the factors which determined the outcome of events. Noblemen such as the Earls of Huntley and Morton 'were supposed to be friends to the Reformed, but remained in suspense [sic] from irresolution or craftiness' (153).

In this uncertain state, the Reformers turned to Queen Elizabeth. As the monarch of a Protestant country, she might aid them against rival interests. They emphasised the threat which France posed to England and insisted that only 'the extirpation of idolatry and the preservation of their civil rights' motivated them to action (155). The mutuality of the English and Scottish interest was confirmed by the signing of the Treaty of Berwick. By this, the Reformers were able to gain a complete victory over the Queen Dowager.³⁴

The disappointment of defeat precipitated the death of this woman as

³⁴ Stuart included this document in the 'Collection of Records'.

it had her husband (James V) after the rout at Solway Moss. The portrait Stuart drew of the Dowager is the most thorough in the Reformation (176–80). Though he extolled the virtues of her character, he censured her political attachment to France. In a typically classical manner, he labelled this 'her fatal error'.³⁵ This description is more sentimental than Stuart's male character portraits. Moreover, the sexual morality of the Dowager was a topic well within the bounds of 'natural propriety'.

Though a widow, at an age when the soft passions have their full power, no suspicion was ever entertained of her chastity; and her maids of honour recommended themselves to her modesty, piety, and virtue (177).

Stuart's interest in sexual morality, especially in relation to Elizabeth and Mary, is discussed more fully in the next chapter. Commentary of this nature personalises historical figures. In other respects, their actions are conceived on a higher plane of existence.

Aspects of this portrait contradict those stated earlier. Of the Dowager he said, for example, that the 'inclinations, character, and humours, of her people [the Scots] were fully known to her' (176). However, in an account of her plans to establish a standing army, Stuart wrote that she 'had not sufficiently consulted the manners and genius of the nation' (79). The freedom of the historical obituary enabled Stuart to reconcile such opposite assertions (though to a certain extent it results in an ambiguous picture of the Queen Regent and leaves doubts about his scholarship). Such portraits, commented a reviewer of Stuart 'we know to have been reprobated by some as the *Splendida*

³⁵ See Stuart's short portrait of Mary of Guise in the Review, II, 692. At the end of the History of Scotland, he marked as Mary Queen of Scots's 'fatal flaw' her adherence to Popery.

Paccata of modern historians. But let us not listen to the voice of fastidious prudery.... It is the natural effusion of the mind, on the final dismissal of a great actor'.³⁶

When Mary of Guise died, the influence of France was severely weakened, and Francis and Mary found themselves in a disadvantageous situation. In order to settle the affairs of Scotland, they negotiated a treaty of peace with the Reformers through the mediation of Queen Elizabeth. Stuart included this 'celebrated deed of relief and concession' (182) in the 'Collection of Records' (No. XX), and because of its high importance, summarised its main points in the text.

Meanwhile, Scottish affairs were advancing towards the establishment of a Protestant ecclesiastical government. The Confession of Faith and the First Book of Discipline, detailing the doctrines of the Scottish Reformation, were drawn up and ratified by Parliament, together with acts abolishing Popery. Stuart acknowledged the larger good of the Reformation. In the events surrounding its establishment, and especially in the severe punishments imposed upon the remaining Catholics, he expressed regret that the violent will of the masses triumphed over reason and virtue.

This fierceness...did not suit the generosity of victory; and while an excuse is sought for it in the perfidiousness of the Romish priesthood, it escapes not the observation of the most superficial historians, that these severities were exactly those of which the Protestants had complained so loudly, and with so much justice. The human mind, in the warmth of tumult...reconciles itself to violence of every kind.... The utter contempt and abhorrence of persecution, and the philosophical and unbounded toleration of opinion, have never distinguished the practice of nations, and are

³⁶ English Review, 5 (Jan. 1785), 213. An article on the second edition of the History of Scotland.

never to be expected from them (192-3).

Here Stuart (at least abstractly) voiced his approval of religious toleration. These comments also reiterate his pessimistic view of human nature. The Edinburgh riots of 1779 must have been in his mind. Knowledge had advanced in the age of enlightenment, but wars too had been continually fought. As Stuart grew older, he perceived the irony and contradiction of human existence. Even when the nature of society was understood, little could be done to remedy its faults.

A few pages later, he recorded the final destruction which the Protestants, under the 'sanction of law' and with the 'exhortation of the clergy' (204), put to the monasteries. He condemned their actions. In his concluding remarks, he offered a character portrait of the Reformation itself. He was quick to connect the doctrines of the Reformation with the 'existence of civil liberty' and to praise its leaders for giving 'permanent security to the political constitution of their state' (205). In essence, it was a beneficial event. However, he also expressed the popular anti-Catholic view, though it somewhat opposed his advocacy of religious toleration. The Reformation ends on this note:

In this enlightened age of philosophy and reflection it is difficult indeed to be conceived that any serious attempts to establish [Catholicism] shall be made; yet if by some fatality in human affairs, such endeavours should actually be tried and should succeed, it may be concluded...that all the boasted freedom which the Reformation has fostered would then perish for ever.... Men would...renounce their natural, their religious, and their political rights; and be contented to creep upon the earth, to lick its dust, and to adore the caprices and the power of a tyrant (206).

In this quotation there may be a key to Robertson's assertion (quoted by Somerville) that 'at a time when I was fighting for a cause so sacred as

religious liberty, [Stuart] concluded his History of the Reformation with reflections evidently intended to expose me to popular odium and personal danger³⁷ However, by the time the Reformation was published, the danger had passed in Scotland. Perhaps Robertson had both the Observations and the Reformation in mind.

In the months following the publication, the voice of anti-Catholic sentiment grew louder in London. What impact Stuart's work had on the movement there is difficult to gauge. In correspondence prior to the publication, Murray provided a clue about the contemporary significance of the work. He realised its potential use as anti-Catholic propaganda. As a publisher, however, he wished to present a work that had the appearance of impartiality. The lesson of the Observations was still in his mind. In this context, he explained to Stuart that 'from the Protestant Association I expect nothing. Nor do I like to publish a book that has occasion for any artifice to push it'. Murray added, however, that he would send a copy to Lord George Gordon 'with a proper letter' in which he may have mentioned the 'artifice' to which the Reformation might be put.³⁸ When the Gordon Riots did break out in June 1780, Murray wrote to Stuart informing him that 'the late Confusion of this City has been superior to any thing you can conceive. Nor is it yet over'.³⁹ Such times were not productive of bookselling. This was the publisher's main concern.

Dickens, in Barnaby Rudge vividly recorded a scene from the Gordon Riots in the part of London where Stuart had once lived.

³⁷ Somerville, My Own Life, 275-6.

³⁸ 1 Jan. 1780. MC.

³⁹ 9 June 1780. MC.

At Holborn Bridge, and on Holborn Hill, the confusion was greater than in any other part; for the crowd that poured out of the city in two great streams...united at that spot, and formed a mass so dense, that at every volley the people seemed to fall in heaps. At this place a large detachment of soldiery were posted, who fired, now up Fleet Market, now up Holborn, now up Snow Hill.... At this place too, several large fires were burning, so that all the terrors of that terrible night seemed to be concentrated in one spot.⁴⁰

Stuart did not possess that religious fanaticism characteristic of the 'No Popery' supporters. In his view, the political significance of the movement was more important. But rioting could do little to promote constitutional reform. The voice of 'the people', not the violence of the mob, would further the progress of liberty.

While London was in a state of chaos, Stuart was at Fisherrow, preparing a continuation of his narrative from the establishment of the Reformation till the death of Mary Queen of Scots. This work is the subject of the following chapter.

⁴⁰ Dickens, Barnaby Rudge, Chapter LXVII.

Chapter 8

The History of Scotland: 1780–3

8.1. Introduction

Many histories of the reign of Mary Queen of Scots have been written by apologists and accusers of the Queen since her execution in 1587. Over a four hundred year period numerous dramatic works, poems, and novels, as well as operas and works of art, have appeared in which she is the central figure. Mary has become a colourful and contradictory symbol. A Catholic martyr, a romantic heroine, an adulterous wife, and a powerful monarch, she was likewise a symbol for Scotland as the country emerged from (as Gilbert Stuart would have said) 'rudeness to refinement'. To this day she continues to be the subject of historical, literary, musical, and artistic expression, and of general human wonder.

This chapter is divided into three parts. The first outlines the Marian controversy as it developed in the eighteenth century up to the publication of Stuart's History of Scotland. The second reviews the work itself; and the third considers the reception of the History in the context of contemporary Scottish events.

There were few educated men or women in Scotland in the eighteenth century who did not take an interest in Mary's reign. The writings of Hume and

Robertson on this subject are centrepieces of Enlightenment historiography.¹ Other less popular writers made important contributions and are relevant background figures for the view Stuart adopted. These are: Thomas Ruddiman's edition of Georgii Buchanani...Opera Omnia (1715); Walter Goodall's vindication of Mary, An Examination of the Letters Said to be Written by Mary Queen of Scots, to James, Earl of Bothwell (1754); and William Tytler's response to the histories of Hume and Robertson, An Inquiry, Historical and Critical into the Evidence against Mary Queen of Scots, and An Examination of the Histories of Dr. Robertson and Mr. Hume, with respect to that Evidence (published anonymously in 1760). The works of these three men, along with Stuart's History of Scotland, vindicate Mary. They stand in opposition to the histories of Hume and Robertson which in varying degrees offer a less favourable view of the Queen.

The renewed interest in Mary in the mid-eighteenth century as an historical subject, in an age when historical writing was pre-eminent, gave an impetus to the proliferation of dramatic, poetic and novelistic renderings of her life through the nineteenth century. Blake, Swinburne, Tennyson, and others were captivated by the Queen and conveyed the power of her image in their literary productions. Though this area is only briefly mentioned in this chapter, it is one in which Stuart's History may have been influential. This work and the Reformation were reprinted almost verbatim in the second edition of the Encyclopaedia Britannica (1782). Stuart and Murray took their cause to the Court of Session and received a judgement against the proprietors of the

¹ Hume's account of Mary is found in the History of England under the House of Tudor (1759) in the section on the reign of Elizabeth. Robertson's history of the period also appeared in 1759. A useful article is Laurence Bongie, 'The Eighteenth-Century Marian Controversy and an Unpublished Letter by David Hume'.

Encyclopaedia.²

John Murray, the publisher of Stuart's History, wrote to Creech after its appearance to inform ⁿhim that 'the reputation of that Book is very high here'.³ Stuart's account of Mary's reign was even more popular than its book sale alone might suggest. Many people read and possibly adopted his opinions whether aware of it or not. Subsequent historians of Mary (for example, John Whitaker and George Chalmers) were necessarily familiar with Stuart's vindication, though today it is little known or read.⁴

The second part of this chapter reviews Stuart's account of Scottish history through each of the work's eight books. His arguments on the various points of historical contention in Mary's reign and that of her son James are compared with those of his contemporaries (especially Hume and Robertson) as well as with those of more recent historians (for example, Gordon Donaldson). In the course of this review, aspects of Stuart's literary style are discussed. The length of this section may be justified by the suggestion that the History of Scotland is Stuart's *magnum opus*. It is a long work in two quarto volumes, and one in which he most cogently and expressively unified his ^{or}historiographic and literary skills.

² See the Daily Universal Register (The Times), 30 June 1785. A more detailed account is found in the Edinburgh Evening Courant 25 June 1785; the Caledonian Mercury (same date); the SM 47, 308; and the Decisions of the Court of Session, 25 June 1785 (No. CCXVI). The defenders presented a reclaiming petition but this was unsuccessful: See SM 47, 411.

³ 5 Nov. 1782. MC.

⁴ Whitaker, in Mary Queen of Scots Vindicated (second edition, 1790), mentioned that 'it was the perusal of Dr. Stuart's spirited and judicious History...that put me upon examining the evidences, on which the whole is founded' (Preface). Whitaker's Advertisement to the second edition provides a useful summary of the Marian controversy. He mentioned Stuart many times. See also Chalmers, Caledonia: or, an Account, historical and Topographical of North Britain (1807-24).

The reception of the History of Scotland and controversy that developed around it are the subjects of the third section of this chapter. When the work was published in 1782, a debate arose between Stuart and Robertson about certain contentious points of Mary's reign. Newspaper articles, pamphlets, and letters circulated through Britain supporting and attacking both sides. Murray reported of the Moderates that 'a great party have set themselves against it', but added, 'there is no fear of its making its way'.⁵

In the spring of 1783, when the second edition was about to be published, the debate re-emerged within the context of a local political encounter between the Earl of Buchan, founder of the Scottish Society of Antiquaries, and members of the Philosophical Society, including William Robertson. The clash centred on the opposition to a petition by Buchan to obtain a royal charter for his ^Society. In the end, both bodies received royal charters. Buchan drew attention to Stuart's History of Scotland in order to undermine Robertson's credibility as an historian and as the leader of the Edinburgh establishment. In this context, he suggested a parallel between Elizabeth's control of Scotland during Mary's life and the inordinate influence of Robertson and Henry Dundas. It was an attack on Tory interest generally and an assertion of Scottish patriotism and liberalism.

8.2. Eighteenth-Century Marian Historiography

Published accounts relating to the events of Mary's life began early in her own lifetime. Historians since then found that in many cases there had not

⁵ Murray to Creech, 5 Nov. 1782. MC.

been a strict regard to truth. Writers such as George Buchanan, John Knox, James Melville, and John Lesley, whose writings later historians like Robertson, Hume, and Stuart used as sources, were, because of their nearness to the events, subject to certain religious and political prejudice.⁶

In Images of a Queen: Mary Stuart in Sixteenth-Century Literature (1971), James Phillips surveys the variety of sixteenth-century writings, fictional and non-fictional, relating to the life of Mary.⁷ He demonstrates the ways in which Mary became a symbol for political and religious points of view in her own time and afterwards.

Two quite different, even contradictory, images of the Queen of Scots evolved in the literature of the period.... Neither corresponds very closely with what the best and most recent historical scholarship tells us of the woman herself.... One is the image of a sinister and adulterous murderess constantly plotting with every Machiavellian trick to destroy England and Protestantism. The other is that of a supremely beautiful woman, a devoted wife and mother, and an innocent martyr for the faith in which she died.⁸

The publication of anti-Marian literature in the first two decades of the seventeenth century gradually decreased. The Crowns of Scotland and England had been united under James VI and the political significance of Mary's reign, deposition, and execution lessened. 'All in all' writes Cowan, 'the seventeenth century saw a refurbishing of Mary's image. But in Britain this process was to

⁶ Melville, 1535-1617: Advisor to Mary and later to James VI; the Memoirs of Sir James Melvil of Halhill were published in 1683 from an original manuscript discovered in Edinburgh Castle in 1660. Lesley, 1527-1596: Catholic historian and politician, was an advisor to Mary on religious policy. His writings include the anonymous a Defence of the Honour of Queen Mary (1569), which was suppressed by Elizabeth, and a history of Scotland De Origine, Moribus, et Rebus Gestis Scotorum (1578).

⁷ See also John Scott, Bibliography of Works Relating to Mary Queen of Scots, 1544-1700 (1896) and I. B. Cowan, The Enigma of Mary Stuart (1964).

⁸ Phillips, 7.

be halted by the Popish plot of 1681'.⁹ In the eighteenth century, as a result of political events such as the 1688 Revolution, the 1707 Act of Union, the Jacobite Rebellions, and with the rise of the historical genre and the discovery of hitherto unknown documents, the reign of Mary re-emerged as a subject both useful from a political point of view and entertaining in a literary manner. In 1760, Samuel Johnson offered the following observations on the reign of Mary in a review of Tytler's Inquiry.

It has now been fashionable for near half a century to defame and vilify the house of Stuart, and to exalt and magnify the reign of Elizabeth. The Stuarts have found few apologists, for the dead cannot pay for praise; and who will, without reward, oppose the tide of popularity? Yet there remains still among us...a zeal for truth, a desire of establishing right, in opposition to fashion.¹⁰

In Gilbert Stuart's own time, many were interested in Mary. The appearance of Ruddiman's comprehensive edition of Buchanan's works in 1715 led to numerous controversies over the character and writings of Buchanan, particularly over his role as a propagandist against the Queen of Scots. Ruddiman, according to his first biographer George Chalmers, 'vindicated Buchanan, as an admirable poet, and as an excellent writer; yet, condemned him as an historian, who threw out reproaches against his sovereign, and benefactress, instead of recording truth, and of teaching morals'.¹¹ Ruddiman, like Dr. Johnson, disapproved of the revolutionary settlement of 1688, a fact which put him in the camp of Marian vindicators, and led him to support the

⁹ Cowan, 19.

¹⁰ GM, 30 (Oct. 1760), 453.

¹¹ The Life of Ruddiman, 226.

Jacobite cause in 1715 and in 1745, when he was printing the Jacobite Caledonian Mercury.

Gilbert Stuart was not a Jacobite, but the influence of Ruddiman, his relation, was significant. In the History of Scotland, Stuart described the post-1688 political climate for those who continued to support James VII and his son, the Pretender (James VIII). After the accession of William of Orange to the throne, it became 'the fashion of consequence to treat the House of Stuart with indignity' (I, 437n). Mary, more than any of this royal family, was 'disturbed and persecuted in her grave by the most mercenary of all human creatures, the adorers of tyranny' (I, 438n). Stuart used the phrase 'adorers of tyranny' frequently in his constitutional inquiries to describe those historians who did not advocate whiggish principles. These men, he believed, wrote to gain or maintain Court patronage. This charge, if to some extent spurious, reflects the adamancy with which he upheld Whig principles against other less staunchly patriotic Scottish writers. By the early 1780s, Toryism and support for the Stuart family were no longer synonymous. As a Whig, Stuart vindicated Mary, and as a Scot he revitalised her image on nationalistic, though not overtly political, grounds. Stuart rejected the post-Union (or post-1745) view that Anglo-Scottish relations should be described in 'glowing terms'.¹² In an historical context, therefore, he asserted that the antipathy of Buchanan towards Mary in his historical works remains 'an illustrious monument of the wickedness of faction, and the prostitution of wit' (I, 265n). Nevertheless, Buchanan's account was the most influential and widely circulated of all the

¹² Sher, 102.

Marian literature.¹³

The publication of Walter Goodall's Examination opened an era of Marian vindications of which Stuart's History of Scotland is a central example. Though excessive in his praise, Goodall made it clear that it was the authenticity of the letters between Mary and Bothwell on which a judgement of Mary ought to be based.¹⁴ David Dalrymple, in an anonymous pamphlet concerning the Marian controversy, summarised Goodall's contribution. His comments indicate the complexity of the issue: 'Mr. Goodall has proved that the French copy of the first letter...is merely a translation from the Latin copy, which Latin copy is supposed to be the work of Buchanan'.¹⁵ Dalrymple defended Goodall on certain points, but made it clear that Marian scholarship had advanced in the thirty years since the Examination.¹⁶ In addition to rectifying the errors in earlier historical accounts, Goodall made use of newly found documents relating to Mary's reign to demonstrate that the Casket Letters had been forged to implicate Mary in the murder of Darnley.¹⁷ Towards the end of the Preface, he made clear both his enthusiasm to vindicate Mary and to recriminate her enemies:

¹³ Gordon Donaldson in Mary Queen of Scots (1974) remarks that 'Buchanan's version of events had a long innings, and although it was often challenged it tended to be the book which most people read and believed' (6).

¹⁴ Modern historians usually minimise the importance of the Casket Letters, but see Davison, The Casket Letters. A Solution to the Mystery of Mary Queen of Scots and the Murder of Darnley (1965).

¹⁵ Miscellaneous Remarks on 'The Enquiry into the Evidence against Mary Queen of Scots' (London: J. Robson & G. Robinson, 1784), 9. See Dalrymple's own annotated copy in the NLS. Ultimately Dalrymple sided with the accusers of Mary.

¹⁶ For earlier eighteenth-century vindicators (and detractors) of Mary, see Cowan, 19-22.

¹⁷ Goodall included these documents in lengthy appendices which compose the second volume of the Examination, and were very helpful to later scholars, like Stuart.

Whatever has been said to the disparagement of that Princess, or whoever said it, signifies nothing: For Mary Queen of Scots so far excelled all other sovereign Princes who ever yet appeared on the face of the earth, that, as if she had not been of mortal nature, all the arts and contrivances of her numerous and malicious enemies have not availed to fix upon her one crime...from her cradle to her grave, unless the want of omniscience or omnipotence shall be reckoned in her a defect.¹⁸

Goodall's panegyric contribution of 1754 met with opposition when William Robertson presented the History of Scotland in 1759. This popular and seemingly impartial account of Mary's life represented a generic shift away from the more antiquarian and controversialist approaches of Ruddiman and Goodall. Though sympathetic to Mary as a suffering figure, Robertson concluded that she was guilty of a plot to murder her husband. He did, however, assert her innocence in conspiring with Anthony Babington to depose Queen Elizabeth. In a 'Dissertation on the Murder of Darnley' appended to the History, Robertson reiterated in detail the main lines of his argument against Mary.

To Gilbert Stuart, Robertson's work represented yet another apology for the leaders of the Reformation and for English dominion. Though both criticised the superstition and corruption of sixteenth-century Catholicism, Stuart refused to condone the zeal and intolerance of the Protestants in their efforts to establish the new doctrines, a point which he made clear in the Reformation. Sher notes a significant feature of Robertson's History in relation to the author's 'conservative Whig Presbyterianism'.

This willingness to excuse the excesses of the Reformation in the context of an uncivilized age while implying that such excesses

¹⁸ Goodall, xxviii.

would be thoroughly unacceptable in the present, enlightened era was a good deal more palatable to polite eighteenth-century Presbyterians and Anglicans alike than the pointed attacks on the Protestant reformers in Hume's recently published history of the Stuarts.¹⁹

Hume's account of Mary's reign, like Robertson's, tended to turn opinion against Mary. Along with Robertson, he asserted the authenticity of the Casket Letters, though he argued that Mary had acted a treasonous part in the Babington Conspiracy.²⁰ Unlike Robertson, Hume was critical of the activities of the early Scottish Protestants who effected Mary's deposition, and believed that the 'godly Strain' in Robertson's work 'most expos'd [it] to criticism'.²¹

In February 1760, shortly after these works were published, William Tytler entered the controversy in defence of Mary. In the Inquiry, Tytler compared and refuted a list of arguments offered by Hume and Robertson against Mary. Both, according to Mossner, were disturbed by Tytler's 'belligerency and unfairness'.²² As a result of Tytler's comments, Hume, who rarely confronted his adversaries publicly, asserted in a new edition of the History of England (1770) that Tytler's Inquiry was 'composed of such scandalous artifices; and from this instance, the reader may judge of the candour, fair dealing, veracity, and good manners of the Enquirer'.²³ The debate

¹⁹ Sher, 102.

²⁰ He justly noted that Goodall's 'forgery' argument was not applicable to all the letters. History, IV, 390 and Notes K and L.

²¹ Quoted in David Raynor, 'Hume and Robertson's History of Scotland', 62. For an account of the publications of their histories, see Mossner, Life of Hume, 396-9. For a summary of their specific views see 412-4.

²² Mossner, 413.

²³ See Hume's History, V, 394-5 (Note M); and see Tytler's Inquiry, third edition (1772) 'Postscript' for his account of the issue.

between Hume and Tytler resolved only a few minor points of historical argument. Hume did, however, silently rectify some errors noted by Tytler (as did Robertson in the 1787 edition of the History of Scotland), but neither man moved away from his opinion about the guilt of the Queen of Scots.²⁴

In one of the few critical notes in the History of Scotland, Stuart aligned himself with Goodall and Tytler in 'refuting the able and hypothetic partiality' of Hume and in 'exposing the feeble and unargumentative pertinacity' of Robertson (I, 384n). This is the only mention of Hume or Robertson in the whole of the work. Stuart remarked, however (in a letter to the Earl of Buchan) that he had notes in the hundreds of pages pointing out the errors in Robertson's work.²⁵

One important reason for the renewed interest in Mary's story during the eighteenth century was the recovery of material relating to the period. Numerous references in the histories of Hume, Robertson, Stuart, and others indicate the importance of new evidence such as that published in James Anderson's Collections Relating to the History of Mary Queen of Scotland (1727) and in William Murden's Collection of State Papers left by William Cecil (1740–59).²⁶ The addition of this information to the historical archive, however, did not mean that at last an accurate and impartial account of Mary's reign could be written. Politics and religion continued to influence writers. Tory and

²⁴ In a letter to Lord Hailes, (13 March 1787) Robertson wrote: 'I mean not to take the field as a controversial writer, or to state myself in opposition to any antagonist. Whenever I am satisfied that I have fallen into error I shall quietly and without reluctance correct it'. NLS: Newhailes Papers. Acc. 7228/25, f. 117. A similar comment is found in the Preface to the eleventh edition, 1787.

²⁵ 10 April 1783; printed in the History, second edition (Appendix 2, Letter II).

²⁶ See Tytler, Inquiry, iv. for others.

Whig, Jacobite and Hanoverian, Catholic, Episcopalian, and Protestant, Scotsman, Englishman, and Frenchman all had something to gain by promoting (or suppressing) a particular account of Mary's reign. Historical works of the eighteenth century were not exempt from party, religious, or personal prejudice in spite of a writer's claim to impartiality. An account of Stuart's work clarifies that he was no exception.

8.3. The History of Scotland in Eight Books

8.3.1. Book I. 1542–65: 'The Delicacy of her Situation'

Rivalry is a theme which organises the History of Scotland. It manifests itself in the political conflict between the monarchy and the nobility, and in personal encounters between Mary and the Earl of Moray and Mary and Queen Elizabeth. Mary is the heroine of the History. The Earl of Moray emerges as her rival in the first half, while Elizabeth assumes this role in the second part. Bothwell, however, is the villain of the work as a whole.

For a variety of reasons (particularly a series of reigns by minors), the structure of a feudal state (in which a powerful and factious nobility controlled political and social affairs) had continued in Scotland well into the sixteenth century. This political situation differed from countries such as England and France where a powerful monarch made his court the centre of government and was able to exert authority throughout his dominions. Stuart had surveyed the causes which produced change in the government, laws and manners of European states in previous works. In the Reformation and the History of Scotland, he turned to investigate at a specific period the affairs of a country which was in the midst of societal change. Here the conjectural theories of the jurist and antiquarian were applied to the narrative form of historical writing.

Popularity, profit, the challenge to Robertson, and a genuine interest in Mary were Stuart's motives for writing the work.

He aimed to describe the principles of change in society in a way which he believed Robertson had not. Jeffrey Smitten highlights this point, noting that in Robertson's History of Scotland,

rebellion follows rebellion, intrigue follows intrigue with no indication of successive stages of evolution and degeneration.... All the cultural benefits following the establishment of the modern state gain prominence only in the last pages. Although he frequently condemns sixteenth-century culture, Robertson only names the change from barbarism to civilization.²⁷

Stuart sought to do more. He extended his narrative of the Reformation to provide not only an alternative to the first book but to the whole of Robertson's History. It was true, as Murray remarked to Creech, that there was 'no controversy in this performance'.²⁸ But in general Stuart intended to supercede Robertson.

A question central to the Marian controversy was whether Mary conspired with Babington against Elizabeth to usurp the English throne. It was upon this foundation that she was executed for treason. Or was it the case that Elizabeth (as Stuart asserted) contrived every means to rid herself of the threat which Mary posed?

Mary's claim to the English throne made her a natural adversary. Elizabeth perceived this threat to her power and to the stability of the reformed

²⁷ Smitten, 'Robertson's History of Scotland: Narrative Structure and the Sense of Reality', 35. J. B. Black, in The Art of History, expresses a similar view, 138-9.

²⁸ 14 Jan. 1782. MC.

religion in Britain. According to Stuart, it laid the foundation for her animosity towards Mary. Early in Book I, he clarified the political situation in late sixteenth-century Britain in this regard.

Henry II. king of France had proclaimed the title of Mary to the crown of England to be preferable to that of Elizabeth...and a bull from Rome had declared Elizabeth to be the offspring of an illegal commerce. These affronts made a deep impression upon her. It was her nature to feel with sensibility; and her hatreds did not diminish with time. To repress the ambition of the Scottish Queen, and to give check to the encroaching spirit of the court of France, she had joined her power to that of the Protestants of Scotland (I, 8).

Elizabeth's first objective was to have Mary ratify the Treaty of Edinburgh, by which the Scottish Queen would renounce any right to the English throne in Elizabeth's lifetime. Mary refused to do so because such a claim 'drew the respect of all the princes of Europe' (I, 15).²⁹ Both Queens were involved in intrigues to secure political power. Out of this was engendered a personal rivalry. Throughout the History, Stuart set the queens in opposition. Mary, for the most part, he portrayed as a virtuous heroine, while he saw Elizabeth as a calculating opponent.

In the first years of Mary's reign, those Scottish nobleman who had adopted the reformed religion and who were supported by Elizabeth stood in opposition to Mary and the Catholic threat which she represented. Religious affiliation among the nobility, however, did not entirely determine the lines of political association. Mary had both Catholics and Protestants among her supporters. In that period, similarly, it was not uncommon to change one's

²⁹ Rosalind Mitchison in a History of Scotland refers to this claim as Mary's 'most valuable possession on the international market' (126).

religious alignment.³⁰

Mary became Queen of Scotland when the teachings of Luther and Calvin had begun to establish themselves in Britain. Though a devout Catholic, modern historical scholars agree that the Queen did not intend to re-establish Popery. In Scotland: James V to James VII (1965), Donaldson outlines Mary's equivocal approach to ruling as a Catholic in a reformed country upon her return in 1561.

The main lines of her policy suggest an opportunism and self-interest which dictated that she should endeavour to make herself acceptable to both parties in Scotland, to both parties in England, and to continental princes. While she kept her own mass, she frequently issued or reaffirmed a proclamation in virtue of which several priests were prosecuted for saying mass.³¹

In the first months of her reign, Mary governed so as not to threaten the established religion. Stuart contended that 'the majority of the people were confident of the good intentions of their sovereign...and it was known that discontented nobles were animated by the dishonourable motives of hatred, envy, and ambition' (I, 112-3). Vocal churchmen, like John Knox, objected to Mary's own private worship and aroused public antipathy towards her. Stuart, as was typical of many eighteenth-century philosophical historians, criticised the superstitious practices of the Papists, even though his heroine was one herself. That Mary became involved in plots to re-establish Catholicism in Britain, was an error that Stuart could not but condemn: 'In an unhappy and calamitous moment she became a party to a league the most disgraceful to

³⁰ Mitchison, 129.

³¹ Donaldson, 110-1. All subsequent references to Donaldson are to this work. Mitchison concurs, stating: Mary 'set herself to work the settlement of 1560 [the establishment of the New Church] within her kingdom, and there are no grounds for believing she did not mean it sincerely' (127).

virtue that had ever been devised by human craftiness' (125-6). He viewed Mary's Catholicism as something of a tragic flaw, but at the same time portrayed her devotion as an example of moral fortitude and virtue.

From a collection of contradictory evidence, Stuart attempted to discover the principles which motivate the actions of individuals. He did so by examining the impact of political or religious change on the state of society. It was not simply enough, for example, to claim that the establishment of the Protestant religion in 1560 was beneficial for Scotland. It must be understood how this was achieved. Thus, of the New Covenant of the Protestants of 1562, which further secured the reformed religion, Stuart wrote:

This measure so formidable in itself, and so pernicious as a precedent, at a time when no real danger appears to have threatened the Protestant religion, ought to be considered as a factious device to excite the terrors of the people, and to inflame them against the administration and the person of their sovereign. It was the most wanton insult of government, and it was to lead to other insults and enormities' (I, 53).

Here Stuart commented in the role of a philosophical historian by uncovering the principles of human conduct. In doing so, he set himself against a traditional view of Scottish Church history found in the works of Buchanan, Knox, Spottiswood, Calderwood, Keith, and Robertson. Stuart regarded the Protestant noblemen, especially Moray and Morton, as ambitious, self-interested usurpers of the Scottish Crown. The protection of the New Church on which they justified their rebellion, according to Stuart, rejected the legitimacy of a religiously based justification for what he saw essentially to be political change.

8.3.2. Book II. 1565–7: 'Not Now a Season for Lamentation but Revenge'

Two dramatic murders, of Mary's court favourite, David Riccio, and of her husband Darnley, threatened and ultimately ruined her prospects for a peaceful reign. These murders precipitated a course of events that resulted in her deposition, imprisonment, and death. The first year of Mary's marriage to Darnley was fraught with difficulties. He was envious of the Queen's authority, and thus conspired with Moray and other dissatisfied nobles to overthrow her. His object was to attain the Crown Matrimonial, by which, in the event of Mary's death, he would assume the Scottish throne. Stuart remarked that 'the lust of dominion was his ruling appetite; and the prudence of the Queen had excluded him from power' (I, 128).

There could be little doubt about the identity of Riccio's murderers: at Holyrood Palace, Darnley, supported by other noblemen, killed a man whom they believed had gained too much of the Queen's political (as well as sexual) favour. The question of who planned the murder of Darnley, however, was more doubtful. Stuart initially mentioned the idea that Mary conspired in the murder because she was in love with the Earl of Bothwell, but refuted this explanation in subsequent parts of the work. Though he considered reasons in favour of Mary's guilt, ultimately he asserted her innocence as both an adultress and murderer. On the former charge he diverged from the view held by Hume and Robertson. Few were able to pardon Mary for her imprudent association and subsequent marriage to Bothwell. It was his aid to the Queen against the conspiring nobility and her estranged husband Darnley that brought him into her favour. By these means, wrote Stuart, 'he rose to exercise all the power of government; and to this distinction he was little entitled either by his abilities or his virtue' (I, 152). Stuart characterised Bothwell as the incarnation

of selfishness and evil. He was a Gothic villain, larger than life and destined for an ignominious end. Donaldson points to this relationship as the primary cause of Mary's troubles. He opposed Stuart, who marked Mary's Catholicism as her tragic flaw. Donaldson writes:

Mary was ultimately to lose her throne not because of her fidelity to Rome but because she entered into a scandalous marriage, and when, on the most dismal day of her life, she was insulted by the women of her capital, it was not 'Burn the papist' that they shouted, but 'Burn the whore'.³²

Stuart, like Goodall and Tytler before him, took an opposite view, and suggested that Mary was coerced into the marriage by Bothwell who was himself under the influence of the rebellious Protestant nobility.

Judicial proceedings were merely the voice of justification for the faction in power. Stuart described Bothwell's acquittal for Darnley's murder as 'a most solemn and deliberate mockery of law and justice' (I 207).³³ Yet, unlike the majority of modern historians, he imputed this farcical result not to Mary's influence but 'to her ministers, privy council, and judges, to whom the details and precautions of government necessarily belonged' (I, 207). It was a rather tenuous argument.

Stuart did, however, criticise Mary's conduct in certain instances. Her involvement in Popish plots against England was one example (I, 126-7 and 166). He also took exception to her plan to form a standing army. Such an attempt was 'an infringement of the laws', and the taxation by which Mary

³² Donaldson, 113.

³³ Bothwell appeared at the trial with a band of threatening adherents.

intended to raise these troops was 'a violent outrage to the constitution' (I, 119).³⁴

Stuart's view to historical (or rhetorical) impartiality required that he occasionally criticise Mary's politics. In her character, however, he could imagine no fault. Above all, she possessed the spirit necessary to assert her rights as a monarch. The dramatic murder of Riccio, in the presence of the Queen, is among the most remembered events of her reign. Stuart described the assassination graphically. He 'was torn and mangled with fifty-six wounds' (I, 136). Though the scene was horrific, it was Mary's response on which Stuart centred: 'The loftiness of her spirit communicated relief to her; and wiping away her tears, she exclaimed, that it was not now a season for lamentation, but for revenge' (I, 136-7).

In this difficulty, Mary maintained the dignity of a monarch and rose above the sensibilities then associated with her sex. On more than one occasion, however, Stuart mentioned that the abjectness of her situation was too great for her to bear and thus that she 'wished for death to put a period to her afflictions and existence' (I, 168). This was the case when under the power of Bothwell. The picture of Mary, in this suicidal condition, is not unlike that of many fictional characters in the popular novels of the eighteenth century. The heroines in Samuel Richardson's Pamela and Clarissa, for example, both 'wish for death' when it seems to be the only way to retain their virtue. Mary's example contrasts that of Bothwell and Moray, who sacrificed their honour (the

³⁴ Like the efforts of her mother, the Queen Regent, to raise a standing army in 1556, she was similarly unsuccessful. See Reformation: 'A perpetual tax and a standing army were conceived to be the genuine characteristics of despotism' (80-2). See also the Observations (Chapter II) for a fuller account of Scottish martial history.

male equivalent of virtue) to preserve their individual interest.

Following the assassination of Riccio, Stuart addressed the topic of Mary's rumoured adultery with her court musician. His conclusion contradicts many sixteenth- and seventeenth-century accounts, and is confirmed more recently by Donaldson, who states that the idea of a 'scandalous relationship' between Mary and Riccio was 'barely credible'.³⁵ Stuart offered these rather frank remarks on this subject:

It is probable, that the panegyrists of Mary exaggerate somewhat the imperfections as well as the good qualities of Rizzio.... It is a wild absurdity to conceive that a Queen so young and so beautiful would submit to the caresses of deformity and old age. A common prostitute must be brought to endure this misfortune (I, 133n).

In a comment of a similar flavour, but concerning Elizabeth, Stuart highlighted his polarised descriptions of the sexual morality of each queen. It is a Gothic picture in which Elizabeth is seen to be an uncivilised creature, physically horrendous and morally corrupt.

Amidst the infamous calumnies which this princess was solicitous to fix upon the Queen of Scots, it must excite the highest indignation to consider her own contempt of chastity, and the unprincipled licentiousness of her private life. Even when palsied with age she was yet burning with unquenchable desires; and vain of her haggard and cadaverous form, sought to allure to her many lovers (II, 211n).

It is curious that Stuart charged the so-called Virgin Queen with violating the sexual manners of the age, while he depicted Mary, the reputed whore, as a

³⁵ Donaldson, 121.

model of virtue.³⁶

These quoted examples, together with others, reveal Stuart's preoccupation with the sexual habits of historical figures. He mentioned sexual matters in a manner that compares with the contemporary novel of romance. The language is excessively colourful and plays on the (perhaps female) sensibilities of the age. Passages like the ones above contrast Stuart's reasoned legalistic style when he deliberates upon more central points of historical contention. They humanise, if in a somewhat forbidden sexual sense, remote historical figures, who in other respects are either canonised or defamed.

Stuart acknowledged Elizabeth's abilities, but his descriptions are most often defamatory. Duplicity, deceitfulness, insensibility are words often used in connection with her. At the news of the birth of James, Elizabeth was said to have responded with anguish: she threw 'herself into a chair in an agony of sorrow; her head resting upon her bosom, and her arms hanging down as if without animation' (I, 148). Besides these rather pathetic descriptions of Elizabeth, Stuart was careful to describe objectively the political policy of her reign, especially in regard to the English succession. With this point unresolved, 'her Kingdom would become the inheritance of the sharpest sword...and would involve in danger and ruin that religion for which she had contended with so much fortitude, and those laws, and that constitution, over which she had presided with so much glory' (I, 164). Elizabeth's hesitation in

³⁶ Hume, in his comments on Elizabeth morality, offered more sober reflections. Like Stuart, he concluded that 'her extreme fondness for Leicester, Hatton, and Essex...render her chastity very much to be suspected'. *History* IV, 396-7 (Note S).

determining her successor was deliberate; it was related to the threat which Mary posed to the security of the English crown and to the Protestant religion. Donaldson, in a less hyperbolic manner than Stuart, but with much the same conclusion, writes of the English Queen:

Elizabeth, with all her occasional brilliance in tactics, had no notion of long-term strategy except to let events take their course.... Her only interest in the Scottish claim was its potential value as a lever with which to influence Scottish policy.³⁷

Stuart affirmed that Mary had no part in Darnley's murder. He even suggested that at the time the King and Queen had become reconciled (I, 186). Donaldson, however, asserts the likelihood of Mary's 'complicity in schemes against Darnley', though he acknowledges that the nature of her role, and of the murder generally, remains uncertain.

The truth about the murder continues to elude historians, possibly because there was more than one conspiracy and, as no individual was privy to more than one, no contemporary knew the whole truth.³⁸

For Darnley, Stuart had little pity. He acted the part of a selfish child and, like Bothwell not long after, became the pawn of the nobility. His death on 10 February 1567, the scene with which Book II ends, offers Stuart an opportunity to present the first of his many character portraits. These descriptions read with an energetic lyricism. Stuart opened himself to philosophical, though perhaps not entirely calm, reasoning. Contemporary reviewers quoted

³⁷ Donaldson, 114-5.

³⁸ Donaldson, 126.

them often because they added an appealing, sentimental flavour to the History of Scotland.³⁹ Concluding Book II, Stuart wrote of Darnley:

While our graver historians [Knox and Keith], are assiduous to reproach him with wantonness...it ought to be remembered, that the murder of Rizzio, and his attempt to dispossess the Queen of her government are far more indelible stains upon his memory.... It is with pain that History relates such cruel events; but while she melts with human woe, it is her province to be rigorously just. Her weeping eye is the indication of an instructive sorrow; and while her bursting heart mourns over the crimes, the calamities, and the wretchedness of ages that are past, she records them with fidelity as a lesson to succeeding times (I, 191).

Stuart imbued History with a dual capacity for sentiment and instructive reasoning. First she 'melts with human woe' then, making sense of that emotion, applies 'rigorous justice'. First she weeps, then she instructs; first she mourns, then she records the cause of her mourning as a lesson. Passages such as these were aimed not only at the impressionable female reader, but also at the 'man of feeling'. Stuart's model for a way to experience the past is grounded in a philosophical principle central to the eighteenth century: that impressions precede ideas; in other words emotions are prior to understanding. Experience is the fabric of human understanding. It bridges the past with the present.

R. F. Brissenden, in Virtue in Distress (1974), offers an explanation for the significance of the tear in eighteenth-century literature which can be applied to Stuart's 'weeping eye' of History.

The sentimental tribute of a tear exacted by the spectacle of

³⁹ The portraits from the History appeared in the New Annual Register for 1782 in the section 'Biographical Anecdotes and Characters' (16-26).

virtue in distress was an acknowledgement at once of man's inherent goodness and of the impossibility of his ever being able to demonstrate his goodness effectively.⁴⁰

The reader of Stuart's History, joins in this pessimistic lament over humanity. The powers of reason naturally act upon an emotional experience of past events and in doing so bring the past and present closer together. Stuart suggested that human beings, though they may not learn from their mistakes, at least can understand their own nature.⁴¹

8.3.3. Book III. 1567: 'The Progress of Expiring Virtue'

Mary's relationship with Bothwell undermined her power, and the Protestant nobility advanced to control the government of Scotland. When she was forced to resign the Scottish Crown to her son James, her rival, the Earl of Moray, assumed the Regency.

Stuart criticised the actions of Mary's enemies. Bothwell bore a double burden of guilt. First, he had concerted with the nobles in the murder of Darnley; and second, he had seduced Mary. 'He sought this advantage', declared Stuart, 'and in an unprincipled age obtained it' (I, 212). When a confederacy was openly formed against the Queen by Moray and Morton, Bothwell, who was once their accomplice, found himself their enemy. In the midst of these events, Mary and Bothwell were married. Stuart's description of her state at this time is particularly sentimental and sexual, and an echo of that found in contemporary fiction:

⁴⁰ Brissenden, 24.

⁴¹ A point made in the final remarks of the Reformation.

She was under the dominion of a young and agreeable, a daring and an unprincipled profligate; skillful in seduction and accustomed to impose upon female frailty; who could read in her look the emotions of her heart, and the secret workings of forbidden desires...mark the conflicts and the progress of expiring virtue; and exult in the triumphs of sensibility over shame (I, 219).

Later in the History of Scotland, Stuart moved away from the position that Mary succumbed to the seductive temptation of Bothwell and adopted the opinion that 'amatorious potions' were given to her (I, 376).⁴² Here he bordered between historical speculation and romantic imagination. He might have had in mind the fate of Clarissa Harlowe, who yielded to the seductions of Lovelace in a similarly fantastic manner. Like Clarissa, Mary's life was a catalogue of imprisonments and escapes through the course of which she was further cut off from those who might have helped her to regain her freedom. Both women encountered the prospect of death with firm Christian devotion. Stuart's use in the text of letters as historical documents, a feature not unrelated to the epistolary technique of Richardson, enlivens the narrative. Examples of forged and intercepted letters occur throughout the History and exert an undeniable force on the development of events as they do in contemporary epistolary fiction.

The speculative nature of the 'amatorious potion' theory, necessitated that Stuart assert his impartiality.

If I were professedly the panegyrist of Mary, I would dwell upon this topic, and use rhetorical arts to paint it in all the blackest colours. But I am neither her panegyrist nor her enemy. It is my ambition to lay the the truth simply before my reader (I, 376n).

⁴² This tenuous notion caught the attention of the sceptical reviewer in the GM, 52 (Oct. 1782), 491, who dismissed Stuart's argument.

In reality, however, it is at such points in the text that he most forcefully employed 'rhetorical arts' to evoke a picture of 'virtue in distress'. For the remainder of the work, Mary, who is less and less an important political figure, can only retain her centrality in the narrative by being recasted in an idealised sentimental form.

In an age of more clinical though perhaps less evocative historicism, modern Scottish historians like Donaldson make no attempt to vindicate Mary on the charge of a scandalous affair with Bothwell. Like Stuart, however, he suggests why Mary entered into such an association.

There were sound political reasons why Mary should regard [Bothwell] as a reliable and useful servant, but the fact seems to be that after her experience of maternity Mary was more moved by sexual passion than she had ever been before, and subsequent events make it seem likely that her relations with Bothwell, some time before the death of Darnley, were not innocent.⁴³

Mary's love for Bothwell has often been a subject of debate. If it was in fact real and the spur to the acts with which she was imputed (namely the murder of Darnley), then little can be said in her defence. In Stuart's opinion, the opposite was true. Politically, her marriage to Bothwell was the only way she could gain an advantage over Moray and his associates. Morally, as a seduced woman, it was the only way she could regain her lost virtue.

In addition to the seduction, the imprisonment of Mary is important not only as historical fact but as a setting for the development of the image

⁴³ Donaldson, 123.

which she assumed in the literature that grew up around her. The most notable episodes were her confinement in the Castle of Lochleven, though this was only for a short period, and in England, which lasted over twenty years.

Amidst the romantic descriptions of seduction, imprisonment, and escape, Stuart reviewed the progress of political affairs. These were building up to the confrontation at Carberry Hill (I, 233). There Mary, supported by royalist troops under the immediate command of Bothwell, stood against a field of Scottish nobles. She was at a military disadvantage. Further, she found her troops unwilling to fight with Bothwell at their head. A negotiation with the opposition ensued, and Mary determined that her only course was to dismiss Bothwell and conclude a treaty with the enemy. But the hope of reconciliation did not last long.

The nobility forgot their promises, and seemed to have neither honour nor humanity. She had changed one miserable scene for a distress that was deeper and more hopeless. No eye wept for her; no heart melted with her anguish.... She was carried along the streets, and shewn to her people in captivity and in sadness (I, 237).⁴⁴

In the meantime, it was necessary for the nobles to justify their actions. To this end, they asserted that Bothwell was the murderer of Darnley. But their situation remained a delicate one, for the guilt of Bothwell tended to implicate them in the regicide. Bothwell had fled and therefore could not directly accuse Moray and Morton. To expedite matters and satisfy the inquiries of the people, victims were found, and through the nobles' contrivances speedily convicted and executed (I, 245). Stuart contended this trial was a mockery of justice

⁴⁴ This passage recalls an earlier one in which History was personified. It was at this time that Mary was paraded through Edinburgh to the shouts of 'Burn the whore'.

(though in this respect not dissimilar to Bothwell's trial). Nevertheless, the power of government lay in the hands of the nobles, who during this period had gradually gained the favour of the people.

With the leaders of the Church, with the people of Scotland, with foreign powers, and with the Queen's friends, Moray sought recognition and security for his government. Though Mary was deposed, and the infant James crowned, he seemed to be unaware that the greatest danger lay to the South with the English Queen. Elizabeth watched the struggle between Mary and the Scottish nobility with interest. Mary was her primary adversary and she thus gave support to the Protestant nobles. However, they were themselves a potential threat, for they had deposed their Queen and thus challenged the authority of the monarchy. In this context, Stuart considered the relationship between Elizabeth and the nobility.

The selfish admiration with which Elizabeth regarded the condition of a sovereign induced her to think with disdain of the encroaching insolence of the Scottish nobles. Her politics as usual were prudent and crafty (I, 250).

Like the Earl of Moray, Elizabeth wanted control of Scotland. Many Church historians characterised Moray as the great protector of the Reformation. Stuart rejected a justification of what he believed to be illegal or immoral actions simply because they may have led to improvements. Instead, he exposed Moray as a self-interested opponent and rescued Mary from historical infamy. Moray could not lay claim to the title of the 'Godly Regent'. Such a vision of a peaceful and reformed Scotland was not encompassed in his policy or the nature of the times.

8.3.4. Book IV. 1567–70: 'Her Injured Innocence'

Book IV contains Stuart's argument that the Casket Letters were forged. In addition, he charted the progress of Scottish affairs from the rise to power of the Earl of Moray in the autumn of 1567 to his murder in January of 1570. The events leading up to Mary's unwilling abdication marked a revolution in the government of Scotland. Despite the apparent legal foundation of James's coronation and of Moray's regency, the new government did not remain unchallenged. In the wake of this political upheaval, many people began to question whether affairs in Scotland had actually improved. What had been lost in the deposing of a Queen?

Now that a revolution in the government was actually accomplished, men thought of it with astonishment and terror; and their minds were preparing for the calm of despotism. The Regent had dethroned his sovereign; and a few companies of regular or standing troops were alone wanting to enable him to trample on the liberties of his country, and to be a tyrant (I, 271).

Stuart reiterated the importance of this constitutional challenge, asserting that the recent events encroached upon the prerogative of the monarch and freedoms of the Scottish people who 'did not permit their sovereigns to be surrounded with standing guards' (I, 282).

His comments were not perhaps those of an entirely impartial historian. To many, Mary was herself a threat to the liberty of the people and to the reformed religion. While Stuart was determined to trace effects to their causes and thus uncover the reasons for change in history, and while he did not mitigate the dangers which Mary's Catholicism posed to Scotland, he was constantly overwhelmed by her image as a victim. Her political stratagems were subsumed to the moral injustice of her ill-treatment.

Stuart related an account of the events following Mary's imprisonment at Lochleven, from which romantic setting she made her escape.⁴⁵ When this news was announced, supporters from all parts came to Mary's side. She declared her abdication to be void, charging that it was extorted from her under duress. On the 13 May 1568, Mary's reviving hopes came to a head at the battlefield of Langside, where she was defeated by Moray's army. Some days later, despite the pleas of her loyal supporters, she 'determined to seek refuge in England, and to court in person the protection of a Queen who had never ceased to disturb her reign' (I, 292). This trust in Elizabeth, as Stuart remarked in the final paragraph of the work, was the most 'unpardonable error of her life' (II, 310).

At this point, Stuart began his investigation into the authenticity of the Casket Letters (and other papers) written between Mary and Bothwell. Since the eighteenth century, the importance of this correspondence in making sense of the political events of the period has diminished, though their force in Marian iconography has remained important. Donaldson sets the significance of the Casket Letters in the context of the murder of Darnley.

The fact of most political importance was and is that the circumstantial evidence permits no reasonable doubt about the guilt of Mary, not as an accessory to the Kirk o' Field crime, but as an unfaithful wife and a party to schemes against her husband. The question of the authenticity of the Casket Letters is of only secondary importance. It is fair to guess that some

⁴⁵ It is this portion of the history which Walter Scott in the Abbot described so memorably and which became the popular nineteenth-century view of Mary. The Abbot and its sequential predecessor the Monastery in many respects parallel Stuart's Reformation and History of Scotland. It is possible that directly or indirectly Stuart's works had a hand in shaping Scott's historical understanding. He owned a copy of the History of Scotland and may have been familiar with the article on Scotland in the Encyclopaedia Britannica (1782) which reprinted Stuart's two histories almost verbatim.

genuine letters from Mary to Bothwell were tampered with.⁴⁶

In Stuart's view, they were categorically a forgery devised by George Buchanan and the Earls of Moray and Morton. Their validity, however, served as the basis on which Mary's guilt was founded and her imprisonment in Lochleven justified. Stuart's proof of the fabrication of the letters was not only an assertion of Mary's innocence but an indictment of these noblemen, particularly of Moray, in the murder. He wrote:

She was denied that common humanity and justice, which in rude as well as polished societies is due, and paid to the most abject and the most abandoned criminal. Nor were they [Moray and other nobles] contented with this wanton mockery of her sanctimonious rights as a Queen.... In the overbearing tyranny of their measures they betrayed the lively consciousness of their own enormous guilt, and of her injured innocence (I, 279-80).

As an example of eighteenth-century scholarship, Stuart's analysis of the Casket Letters is rather persuasive. He is a sober and methodical advocate of Mary. By tracing the course of events surrounding the letters and analysing the actions of the players involved, he drew conclusions which it would seem could not be confuted.

The letters...could not possibly give rise to events which were prior to their discovery. This is to reverse altogether the laws of nature. Previously to the period in which [the nobles] acknowledge that they first saw the letters, they affect to have been governed by them (I, 363).

Stuart's proof, built upon Goodall's philological evidence, is essentially a chronological deduction. Stuart, however, did not conclude his argument here. Instead, he proceeded to consider the evidence 'in the light most favourable' to

⁴⁶ Donaldson, 128.

the Scottish nobles. This rhetorical technique, (which was patterned on the legal speeches of Cicero) reconfirmed his original hypothesis. Next there followed a series of arguments which further proved Mary's innocence, Moray's guilt, and the participation of George Buchanan, Moray's 'tool and vassal' in the fabrication of the letters (I, 398).

At the conclusion of this elaborate display, Stuart returned to a narrative of political affairs. He noted particularly the calculating role of Elizabeth and criticised her refusal to allow Mary an opportunity to prove her innocence. He painted the English Queen in revengeful colours. Though the Queens never met, their rivalry was extreme. 'The name of Mary', wrote Stuart, 'was sufficient to convulse her with anger' (I, 464). He incorporated letters written by the Queens (especially Mary's letters to Elizabeth) to enliven the personal and political rivalry.⁴⁷

At a critical point in a negotiation for the release of Mary into the custody of the Earl of Moray--a negotiation 'so fatal to Mary' (I, 471)--Scottish history took an abrupt turn: Moray was assassinated. Here Stuart drew Book IV to a close with a character portrait of the Regent. Combining descriptions from the historians Melville, Crawford, and Hume, he arranged the favourable and unfavourable qualities of the 'Godly Regent' and contrasted the man with the times in which he lived.⁴⁸

His abilities...though extensive and various, were better calculated for the struggles of faction, than the speculations of polity.... The standard of private interest directed all his actions.... To the great

⁴⁷ In dramatic accounts of Mary's life such as Schiller's Maria Stuart (1801) the Queens did in fact meet.

⁴⁸ See Moray's introductory portrait in Chapter 7.

body of the Scottish nobles...his death was a matter of stern indifference, or of secret joy; but to the common people, it was an object of sincere grief.... Elizabeth bewailed in him a strenuous partizan, and a chosen instrument by which she might subvert the independency of Scotland; and Mary...wept over a brother, a heretic, and an enemy, whom a sudden and violent destiny had overtaken in his guilty career, with his full load of unrepented crimes (I, 474-5).

Stuart did not hide his antipathy towards Moray. To the Earl of Buchan, he offered a more personal opinion of the 'Godly Regent', in response to Buchan's plan to publish a series of Scottish biographies: 'I shall gladly abandon the task of his Life.... He is so abominable a character...that I could not have any pleasure in portraying him: and indeed, I may possibly have said enough about him in my History of Mary'.⁴⁹

8.3.5. Book V. 1570-2: 'The Agitated and Unhappy Condition of the Two Queens'

In Book V, Stuart continued with an account of the political situation in Scotland, England, and in Europe generally after the assassination of Moray. Representatives for the various players in the historical drama contended with each other in the hope of settling the affairs of Scotland in their favour.

Through the remainder of the History, Stuart sustained an attack against Elizabeth. For each derisive comment, he inserted another praising Mary. Elizabeth was pictured as a paranoid and jealous manipulator. 'Her passions', wrote Stuart, 'and her honour were almost constantly at variance' (II, 6). She was subject to the sensibilities ascribed to the female sex. Mary, by contrast, was an idealised martyr, who always maintained the dignity of a

⁴⁹ Stuart to Buchan (Buchan's copy), 5 Jan. 1783. GUL: MS Murray 502/70.

monarch. If she yielded to despair, it was only the result of the unjust and inhumane condition in which she had been placed. Stuart portrayed Elizabeth as a gothic monster, Mary as a romantic victim.

He included four character portraits in Book V. 1. The Archbishop of St. Andrews (II, 31); 2. The Earl of Lennox (II, 41); 3. The Earl of Mar (II, 68); and 4. John Knox. Knox's portrait contrasts with that of the Earl of Moray. For Knox, the Scottish Reformation was a goal which directed all his efforts. For Moray, it was a tool for political advancement.

It belongs to history to describe with candour [Knox's] virtues as well as his imperfections; and it may be observed in alleviation of the latter, that the times in which he lived were rude and fierce; and that his passion for converts, and his proneness to persecution, while they rose more immediately out of the intenseness of his belief...were keenly and warmly fostered by his professional habits (II, 76-7).⁵⁰

After applying the final touches to his portrait of Knox, Stuart sceptically reflected on the idea of religion in society. He compared the spiritual benefits which religion offered to the individual with the dangers which religious institutions (whether Catholic or Protestant) posed to society. It was an anti-clerical attitude and the most trenchant statement of his religious beliefs.

The guides of every church...contend respectively for the tenets entrusted to them.... They give check to religion in its happiest principle of universal benevolence...and perhaps it would be fortunate for human affairs, if the expence, the formalities, and the abuses of religious establishments were for ever at an end; if society were deprived alike of the sovereign pontiff with his tiara, the stalled bishop, and the mortified presbyter; if no confessions

⁵⁰ See Stuart's portrait in the *Review* (II, 517-22) where he adopted a view somewhere between Hume's attack on the Reformers and Robert MacQueen's apology (in the *Letters on Mr Hume's History*). According to Stuart, MacQueen considered 'the reformers rather as Deities than as men', while 'the favourers of infidelity are too ready to make invidious comparisons between the doctrines of the reformers and the practice of the present clergy'.

and creeds were held out as standards of purity and doctrine; if faith and futurity were left unfettered like philosophy and science; if nations were not harnessed in opinions like horses to a carriage; and if every man's heart were the only temple where he was to worship his God (II, 77).⁵¹

To Stuart, a civil jurisdiction of society was preferable to clerical despotism. He opposed the enthusiastic ways in which some clergymen incited the popul^{ace}~~ous~~ into their favour [i.e. the Popular Party], as well as the more subtle ways others managed civic affairs [i.e. the Moderates]. This passage, like its counterparts in the Reformation, would not have been read in 1782 without recalling the rioting in the major cities of Britain in 1779 and 1780. Stuart was disturbed by the violence perpetrated in the name of religion.

A reviewer of the History of Scotland took exception to these comments, and contended that 'Dr. Stuart has extended his reflexions beyond due bounds, and indulged himself in observations, which, we imagine, were unnecessary, and may even be detrimental to society'.⁵² But Stuart believed (as he wrote previously) that 'a writer may do complete justice to the Reformation without being suspected of fanaticism or even of Christianity'.⁵³

8.3.6. Book VI. 1572–1581: 'Reduced to the Most Wretched Extremity'

Stuart continued to relate the events which further precipitated Mary's political decline. With the election of the Earl of Morton to the regency in November 1571, attempts to regain power became increasingly difficult for

⁵¹ This comment echoes Montesquieu's Persian Letters and is re-echoed in some of William Blake's writings.

⁵² Critical 54, 36 (July 1782).

⁵³ Reformation, 123n.

Mary and her adherents. Morton controlled Scottish affairs for nearly ten years. The Treaty of Perth, an agreement among the Scottish nobility, brought the Queen's adversaries into an alliance and thus gave stability to the Protestant religion, to Morton, and to the authority of the King. Stuart acknowledged that this treaty, served to remove 'the troubles and civil wars which had disfigured the kingdom' (II, 87). Turning to Mary, he listed the difficulties she confronted:

By the treachery of the duke of Chatellerault and the earls of Argyle and Huntley, by the execution of Kircaldy, the death of Maitland, the exile of the bishop of Ross, the jealousies of Elizabeth, the supineness of the Roman catholic princes, and the treaty of Perth, the affairs of Mary were reduced to the most wretched extremity. The Regent [Morton] found himself in the plentitude of power, and was giddy with it (II, 93).

James, though only twelve-years-old, assumed control of Scotland under the guidance of a council of peers, appointed on a rotational basis to advise him. Afterwards, he entered into an imprudent association with the Earl of Lennox. Lennox's growing influence with the King limited the power of Morton, while his Catholic leanings worried the clergy. Elizabeth likewise was alarmed at the threat he posed to her control over Scottish affairs and therefore supported Morton against James.

She was fully convinced that Lennox meant to dissolve the amity of the two kingdoms; and she suspected that he had obtained the government of Dunbarton castle, with a view of admitting foreign troops into Scotland, or of conveying the King into France. (II, 130).

James found palliative measures against the factious nobility unsuccessful. Consequently, he began to respond more firmly to these challenges to his royal prerogative. It was thought expedient to charge Morton in the murder of Darnley. Elizabeth in her turn 'engaged in intrigues' to liberate Morton and

effect the ruin of Lennox. This was attempted by forging letters, an activity which had occurred before (the Casket Letters) and would happen again (in connection with the Babington Plot). Agents of Elizabeth claimed to have intercepted communications which implicated Lennox in abetting 'foreign powers to invade England' (II, 135). But the forgeries were discovered. The King at last asserted his authority.

James, true to his friends, and attentive to uphold his dignity, put his kingdom in a posture of defence.... He commanded all the feudal and alloidal militia to be in readiness to attend upon the royal standard (II, 137).

Stuart applauded James's firmness. As a result, an encounter was averted and the King's control of the government was reasserted. The trial of Morton followed. He was found to be a guilty party in the murder of Darnley, and was executed.

The indictment of Morton, according to Stuart, further lifted the accusation of guilt from Mary. He quoted a portion of Morton's confession which revealed that Mary had no knowledge of the plot to murder Darnley (II, 141). The image of an innocent though imprisoned Queen was re-focused and Stuart concluded Book VI with a character portrait of Morton, 'the last of the Scottish Regents' (II, 145). He set Morton within the corrupt and martial landscape of sixteenth-century feudal Scotland as it burgeoned on the beginning of a modern Presbyterian society.

8.3.7. Book VII. 1581-86: 'The Treacherous Arts of Elizabeth'

Not long after Morton's death, the King himself was taken prisoner by Scottish nobles during the Raid at Ruthven. Though he eventually escaped, James was soon to fall under the control of Elizabeth. The imprisonment of

his mother could not but be recalled in the context of his own confinement. The Scottish monarchy was again in a precarious condition.

Throughout the political narrative, Stuart paused to attend to the affairs of Mary. A long imprisonment in England had ^{impaired}~~deteriorated~~ her health and spirits. Sensible of the hopelessness of her situation, she endeavoured to establish the rights of her son James to the English Crown.

She could have no hope to survive Elizabeth, and to sway...the sceptre of the English nation. But the cares and the anxieties of a mother, induced her to be earnest to preserve and secure her titles to her son (II, 152).

Like all of Mary's appeals to Elizabeth, this was not only unattended to but served to 'animate [Elizabeth] in her habits of cruelty and vengeance' (II, 153). Stuart dwelt at length on the indignity and injustice of Mary's situation as a prisoner in England. Her portrait became increasingly romantic; it was set off by pathetic anecdote and passionate language. Even her guards 'refused to her the exercise of Christian duty of dispensing an alms; and they would not allow her the soft consolation of moistening her eye with sorrows not her own' (II, 218).

Meanwhile, James continued to incite the indignation of the clergy and the nobility by associating with Lennox. Gradually, the hope of prudent and self-possessed leadership which James first had shown began to dim.

Resigning himself to his favourites, James seemed desirous to govern by their sole direction and authority. They had impressed him with extravagant notions of prerogative, and he paid no proper attention to his privy council (II, 156).

The authority of James was called into doubt and Scottish affairs approached a critical juncture. Factions for and against the King, for and against the newly

established religion, as well as factions domestic and foreign, gathered forces. Here was a political opportunity which Elizabeth could not overlook. She thus engaged in a plan to make James a prisoner and quell the power of Lennox and Arran. This affair, known as the Gowrie Conspiracy, initially met with success (II, 157). James was held captive and the influence of Lennox and Arran diffused. The scheme was applauded by the Scottish clergy and approved by the Parliament.

To Stuart, such events reflected the chaotic state of sixteenth-century Scottish government. As a constitutional historian, he questioned whether the parliamentary approbation of the King's imprisonment could confirm the legality of a treasonable act. Stuart did not deny that Lennox and Arran had exerted a prejudicial influence on James. But his confinement directly challenged the foundations of government.

Mary could do little more than write to Elizabeth on behalf of her son (II, 165). Of her own affairs she wrote:

'I only require your permission to defend myself, and that I may not be condemned without a hearing.... Yet while I fix my happiness beyond the grave, I conjure you by every sanction of equity, kindred, and religion, to preserve inviolate, after my death, the claims and pretensions of my son'. (II, 169).

It is apparent from this bold statement that Mary made a distinction between her dealings with Elizabeth and her struggles against the Scottish nobility. But this view suggests a complete ignorance of the interdependence of the English and Scottish parties who were vying for control of Scotland. Stuart, nevertheless, allowed that it might have been possible for Mary to perceive her situation in this light, though he hinted that her attitude, if not unrealistic, was certainly impolitic. But at the same time she is such an absolute model of

'virtue in distress' that sympathy remains with her. Here the tear which Stuart shed for Mary, blurs the persuasiveness of his narrative. In reality, Mary could not at one turn engage in wild plots to regain the throne and at another seemingly be ignorant of why (however unjustly) she must remain a prisoner.

Midway through Book VII, Stuart paused to announce the death of George Buchanan. His importance as a political player in the Marian drama and as an historian made his life and works objects of especial interest. Stuart recalled the historical and literary controversies in which Ruddiman was involved after the publication of Buchanan's Opera Omnia (1715). Buchanan was a partisan of the Protestant nobility who effected Mary's fall, and as he was attached to the house of Lennox, he was, according to Donaldson, 'an apologist for Darnley and a detractor of Mary'.⁵⁴ In a character portrait, Stuart considered both Buchanan's favourable and unfavourable qualities.

In history, he has contended with Livy and Sallust. The chequered scenes of his life had given him a wide experience of the world.... He treats accordingly the transactions of men with great prudence and discernment. In the precision and exactness of his narration he is not equally successful.... Of ornament he is more studious than of truth⁵⁵; and the fables which disgrace the earlier portions of his history, are not more disgusting than the partiality with which he records the events of his own times (II, 175-6).

In an early nineteenth-century biography of Buchanan, David Irving remarked that Stuart's portrait was 'admirably delineated', but 'considerably indebted to the aid of a good invention'.⁵⁶ Buchanan's published indictment of Mary, the

⁵⁴ Donaldson, 123.

⁵⁵ Robertson was criticised on the same account in the Critical Observations, 36: 'He is too attentive to ornament, to study perspicuity'. See below.

⁵⁶ Memoirs of Buchanan, 54. Stuart also sketched a portrait of Buchanan in the Review, I, 272; and see Francis Garden (Lord Gardenstone's) Miscellanies in Prose and Verse (1792), 255-9.

Detections of the Doings of Mary Queen of Scots (1569–72), his governmental treatise, De Jure Regni Apud Scotos (1580), and his extended Scottish history Rerum Scoticarum Historia (1583)⁵⁷ exerted a wide influence at the time of their publication and ever since. While admiring Buchanan's writings, Stuart asserted that 'his political conduct was disgraceful in the greatest degree, and must excite its regrets, and provoke its indignation' (II, 176). Specifically, Stuart attacked Buchanan's association with the Earl of Moray and censured his part in forging the Casket Letters. A lengthy note subjoined to Buchanan's portrait detailed his ingratitude to Mary for the royal favours she had bestowed upon him.⁵⁸

The picture of James with which Stuart concluded the penultimate book was one of an insipid monarch under the influence of Elizabeth and of the Scottish noblemen whom she supported. His intention was to awaken the political sensibilities of his reader in order to compare the past with the present: 'His people glowed with indignation and with shame; and Elizabeth, while she contemned the prince, who could be the dupe of his favourites, solaced herself with her talents for intrigue' (II. 242–3).

8.3.8. Book VIII. 1586–87: 'The Sanctity of Innocence and the Majesty of Kings'

Stuart began this concluding book by tracing the 'rise and progress' of the Babington Conspiracy of 1586. This was a plot by dissatisfied English Catholics to assassinate Elizabeth and put Mary on the throne of both

⁵⁷ For more information on these works see Phillips, 61–2.

⁵⁸ Stuart acknowledged Ruddiman, 'my much esteemed relation', for this information (II, 176–8n).

kingdoms. According to the evidence presented by Stuart, Mary had no prior knowledge of this attempt. It was ultimately to fail because agents of Elizabeth knew of the plan from its inception. The greater conspiracy, in Stuart's view, was attributable to Elizabeth who, by duplicitous means, ensured that evidence would be sufficient to establish Mary's guilt. Letters were forged in Mary's name to prove that she had encouraged the conspirators (II, 251-2). With this fabricated evidence, the plot was made public. Babington and his associates were apprehended and quickly executed, and Mary was charged with treason.

Hume concluded that Mary was guilty of conspiring with Babington against Elizabeth, while Robertson maintained her innocence on this charge. Papers uncovered after their accounts appeared apparently clarified some important points surrounding the affair. 'These particulars', claimed a writer for the Critical, were 'in a great measure, supplied by Dr. Stuart...and the conspiracy of Babington now displays a consistency, which bears the strongest resemblance of truth'.⁵⁹ Today scholarly opinion generally concurs with Stuart.

When the public trial of Mary was about to commence, she argued that in accordance with her high station as a princess, she should not be judged by a commission of English legal officers but by her peers, the monarchs of Europe. Certain of her innocence, but aware that she had no alternative, Mary consented to the trial in the English court.

She tried to reconcile herself to the indignity of appearing before the commissioners; and this sacrifice to her honour she thought might be excused from the peculiarities of her situation. The confidence of virtue induced her to detract from her own grandeur, and to tarnish the glory of her predecessors and her

⁵⁹ Critical 54 (Sept. 1782), 214.

nation (II, 264)

Stuart commended Mary's attempt to defend monarchical prerogative just as he criticised Elizabeth for paying it little regard. By insisting that the guilty verdict of Mary be confirmed by the English Parliament, Elizabeth undermined her authority (II, 280).

Stuart described the trial of Mary with dramatic coolness. Her own quoted defence, as found in Camden and Johnston, occupy the central place.⁶⁰ In notes to the text, he cited various procedural and factual illegalities of the trial. These reasoned inserts stand in contrast to the impassioned tone of Mary's own defence.

The trial scene was a prelude to the final picture of Mary at her execution. Between these two events, Stuart recounted the general political situation in Britain. James, by the hopes of Elizabeth's preferment (that is, of the succession to the English Crown), had been won over to her side. As the death of Mary approached, however, the King and the Scottish people realised the extent to which they had been subjugated by Elizabeth.

His subjects entered into his passions; and could not brook the disgraces and insults which had been heaped upon Mary, with a prodigality so systematic, and so unfeeling. Her long and unexampled sufferings, were stinging reproaches of their tameness; and while they conjectured the future from the past, they were seized with forboding apprehensions' (II, 282).

Attempts by James to stay the death sentence of his mother were futile as

⁶⁰ William Camden's *Annales* (1615) was, according to Phillips (228) 'generally regarded as the most authoritative and objective contemporary account of Elizabeth's reign'. It was translated into English in 1625. John Johnson's *Inscriptiones Historicae* (1602) was translated in 1603.

were similar applications by Mary's relations in France. These efforts, however may have ^eprayed on Elizabeth and made her irresolute about signing Mary's death warrant.⁶¹ Alternatives were considered: an assassination would conveniently rid her of the opprobrium of signing the death warrant. Stuart again asserted the culpability of the English Queen.

Though she earnestly desired the death of Mary, she was yet terrified to encounter its infamy. She was solicitous to accomplish this base transaction by some method which would conceal her consent to it (II, 293). Corrupted by her passions, and lost to the sensibilities of virtue, Elizabeth had now reached the last extremity of human wickedness. Though a sovereign princess...she blushed not to give it in charge to her ministers to enjoin a murder (II, 294-5).

Finally the warrant was sealed. All that remained was the execution. Here the Queen of Scots took centre stage. Her adherence to Catholicism and the inhumane treatment to which she was subjected are the two images which Stuart emphasised.⁶² Mary was denied a confessor of her own faith. Instead she was haranged by zealous Protestant clergymen to renounce Catholicism. To the end, however, she asserted her dignity as a queen. The execution itself, Stuart described with a concentrated visual grandeur. As Mary spoke her final words, the executioner 'with design, from unskillfulness, or from inquietude, struck three blows before he separated her head from her body' (II, 306).⁶³

In his conclusion, Stuart reiterated the two significant errors of Mary's

⁶¹ Another scene popularised by Schiller.

⁶² Schiller's death scene was similar, though at her confession, Mary admitted to her complicity in Darnley's murder, but denied participation in the Babington Conspiracy. This point of view is similar to that found in Robertson's History. Schiller had translated his History of America in 1778.

⁶³ This image looks back to the unpleasant murder of Riccio.

life: first the incompatibility of her adherence to the Catholic faith with the leadership of a reformed state; and second, the 'imprudence with which she ventured into England, and entrusted herself to the power of Elizabeth' (II, 310). He then began the ultimate character portrait. It is a masculine study which balanced the romantic ideal described throughout the History with the reason of historical impartiality.

Her understanding was clear, her judgement penetrating, her spirit lofty, her application vigorous. But she was called to the exercise of royalty, in an unhappy and most critical period. The troubles of the Reformation had confirmed the turbulence of her nobles; and she had been accustomed to the orderly government, and the refined and seducing manners of France. The zeal of her people for the new opinions was most passionate; and she was attached to the antient religion with a keenness that excited their fears (II, 308).

A reviewer of the History, commented that Mary's 'picture is finely touched. It shews the pathetic power of Dr. Stuart very strongly. We acknowledge oursevels to be much affected by it'.⁶⁴

Today the History of Scotland is almost forgotten. Even with the renewed interest in Enlightenment historiography and the four hundredth anniversary of Mary's death, it has found little or no recognition. At the time of its publication, however, it was marked out as the definitive account sixteenth-century Scottish history. In the next section, therefore, attention is given to the reception of the work, the opposition which it agitated in relation to Principal Robertson, and finally the controversy in which Stuart and the History were involved over the Scottish Society of Antiquaries' petition for a royal charter in 1783.

⁶⁴ English Review, 5 (Jan.-March 1785), 213.

8.4. Reception and Controversy

Shortly after the publication of Stuart's History, a number of public notices, letters, and pamphlets appeared in connection with the work in addition to the usual reviews.⁶⁵ Taken together, these suggest that there was still considerable interest in new opinions about the reign of Mary. It had, after all, been over twenty years since the histories of Hume and Robertson first appeared. These pieces were also part of a well-planned campaign in which Stuart and John Murray used their literary connections to attract attention to their new publication and supplant Robertson's popular account.⁶⁶

In the introductory remarks to a letter of Stuart's printed in the Gentleman's Magazine for April 1782, the writer set Stuart and Robertson in rival camps and called on the latter to 'defend what he has written to the prejudice of the honour of Mary Queen of Scots'. This 'Literary Challenge' (the title of the article) was written in the military metaphor typical of the age.

The ground for the encounter is marked out; the subject is a beautiful queen; and the judges are appointed.... If Dr. Robertson enters the lists, and is successful, he will acquire new reputation. If he refuses to enter the lists, or enters them and is defeated, he will lose many laurels. This dispute will probably be an aera [sic] in the history of Scottish literature.⁶⁷

The writer (who may have been Stuart or Murray) noted further that the issue

⁶⁵ For reviews in 1782 see: Critical, 54 (July) 28-36 and (Sept.) 212-18; Monthly, 67 (Sept.) 208-21 and (Oct.) 277-85; SM (Aug.) 421-4 and (Sept.) 477-9, 587-9; EM, April (278-83) and May (349-52); and New Annual Register under 'Domestic Literature', 225.

⁶⁶ John Wesley, on 6 Feb. 1786, wrote in his Journal: 'This week in travelling, I read over Dr. Stuart's History of Scotland. He is a writer indeed! as far above Dr. Robertson as Dr. Robertson is above Oldmixon'. The Journal of John Wesley ed. Curnock, VII, 139-40.

⁶⁷ GM, 52 (April 1782) 167-8. It was also printed in the Morning Chronicle for 1 May 1782.

of Mary's virtue was of special interest to 'fine ladies' as the 'glory of the female character is concerned'. More than a vindicator of Mary, Stuart was portrayed as a champion of women generally.

Subjoined to this 'Literary Challenge' was a letter written by Stuart to James Cummyng, the Secretary of the Scottish Society of Antiquaries. Stuart requested the honour of presenting a copy of the History of Scotland to the Society's Library.⁶⁸ In the letter Stuart asserted his willingness to change his opinions about Mary should he be shown in error and mentioned 'a living historian' (William Robertson) with whom he differed 'most essentially'. Towards the close, he demonstrated that mixture of passion and reason which characterises his work.

Though I shall weep over the misfortunes, the frailties, and the crimes of this beautiful princess, I will yet pay my devotions to truth, and submit to the law of the victor.⁶⁹

Such expressions are an essential part of Stuart's historical attitude. They served not only to sensationalise the events of history but to sensitise the reader to the relevance of the past in shaping and understanding the present. If these passages seem remote from the sobriety of modern historical scholarship it must be remembered that Stuart wrote in an age which acknowledged reason as an insufficient basis of human understanding but saw rather experience and custom as its guides. Hume in the essay 'Of the Study of

⁶⁸ This same letter (dated 10 April 1782) was printed in the SM, 63 (May 1782) and one year later appeared in an appendix to the second edition of the History. See below. Stuart presented a copy of the first edition which is still in the Society's Library. It was inscribed: 'Dr Stuart, who is proud to assert the rights of Mankind, & to give battle to the adorers of tyranny, does himself the honour to present this book to a Society of Men, who animated by the greatness of public cares have engaged themselves to dig up, to illustrate, & to adorn the long neglected monuments of Scottish Story'.

⁶⁹ Ibid..

History' clarified this idea:

Experience which is acquired by history, above what is learned by the practice of the world...brings us acquainted with human affairs, without diminishing in the least from the most delicate sentiments of virtue.⁷⁰

For men like Gilbert Stuart, who were immersed in this materialist tradition, the philosophical ideas about the passions examined in the writings of Shaftesbury, Hutcheson, and Hume were an essential part of both human and historical understanding.

8.4.1. Critical Observations

Among the other items relating to Stuart's work, one item has especially attracted the attention of eighteenth-century scholars. This is largely because it refers to David Hume. The work is an anonymous pamphlet entitled the Critical Observations on the Scottish Historians: Hume, Robertson, and Stuart (1782).⁷¹ It hyperbolically praised Stuart's History and criticised Robertson and his investigation of Mary's reign.⁷² The style and content are typical of Stuart. On a number of occasions, however, he publicly denied the authorship and attributed the pamphlet to Robertson, or those in his circle of Moderate Party churchmen. In the Edinburgh Evening Courant (5 August 1782) he wrote:

It has this moment come to my knowledge, that a report is industriously propagated at Edinburgh, that I am the author of...a late pamphlet in which a formal comparison is drawn between

⁷⁰ Essays, 567.

⁷¹ For the full title see Appendix I. The pamphlet was reviewed in the EM, I (Aug. 1782), 131-2.

⁷² A number of scholars have attributed the work to Stuart: See Mark Duckworth, 'Technique and Style in the Works of the Historian William Robertson', 28.

my history of Queen Mary, and that formally^{er} written by Principal Robertson, and in which the preference, as an historian, is freely bestowed upon me.... I therefore embrace this opportunity to publicly and solemnly to declare, that I am NOT the author of the paper in question.... It would, I imagine, be a far more honourable conduct in my adversaries, if, instead of opposing me by inventions and calumnies, they would take the field in an open and honest manner.

Stuart was not beyond the fabricating of a pamphlet or such a denial. At the same time, it cannot be said that the writing of the Critical Observations was beyond the capacity of Moderate Party members. Sher discusses some of their tactics when faced with literary or political challenges. Robertson, particularly, had little to gain from a public confrontation with an antagonistic rival like Stuart.

Robertson always maintained the dignified air of a clergyman untouched by the petty squabbles of secular politics, even though the outcome of those squabbles was often of considerable importance to his party and his personal career. What made Robertson's aloofness feasible was the fact that several of his Moderate friends were happy to handle the party's 'dirty work' for him.⁷³

It is unfortunate that little of Stuart's own correspondence from this period is extant. He had made no secret of his pamphleting activities while conducting the Review. Judging from the type of attacks he had written before, and from the manner of the piece itself, it is likely that he wrote it.

In the pamphlet, Stuart further clarified the principles on which he wrote narrative history. Employing the language of civic utility, he explained why the reign of Mary Queen of Scots was still relevant two hundred years after her death.

⁷³ Sher, 99.

When we trace the connection between the present and the past, and mark the openings of a scene in which we ourselves bear a part, a period of greater interest appears, and historical studies come home to mankind. Down to that era we ought to read history as scholars; from that era we ought to study it as citizens (5).

This remark recalls Francis Jeffrey's comment that historical periods before 1603 better suited a conjectural approach, while those afterwards lent themselves more to a narrative one. Stuart, however, set the date slightly earlier. He considered the reign of Mary to be an 'object of particular history'.⁷⁴

Following these introductory remarks, Stuart turned his anticlerical pen against Robertson. Firstly, he summarised his opponent's account of Mary's reign and then attacked his 'pompous declamatory style, well-adapted to express the cant of the pulpit, but ill-suited to the gravity and dignity of the Historic Muse' (11). Next, ^{he} marked himself as a philosophic historian of a different type, who 'by uniting the interests of truth and humanity and reconciling the judgement of the understanding to the feelings of the heart...renders this portion of history as pleasing and pathetic as it is interesting and important' (12). In this passage, Stuart asserted that the expression of a sentimental view of history was a useful and appropriate method of actuating understanding which was in no sense at odds with the requirement of impartiality.

In another section of the Critical Observations, selections of character portraits taken from the histories of Robertson and Stuart were set side by

⁷⁴ This is Jeffrey's phrase, quoted in Forbes, "'Scientific' Whiggism', 665.

side.⁷⁵ Robertson did not employ this convention to such an extent.⁷⁶ As a result, the space under his name is conspicuously empty.

The polarised account of the rival historians continued with a comparison of Stuart and Robertson under the headings of 'Originality', 'Narration', 'the Drawing of Characters', and 'Composition or Style' (33). Robertson, he wrote,

has collected with industry the observations of others...but he has never in one instance extended the sphere of historical or philosophical discovery.... He attempts to *dazzle*, not to *fill* the eye; and would rather please the ear by a harmonious period, than convey instruction to the mind.... Dr. Robertson writes to the many; Dr. Stuart to the few (34 and 41.)⁷⁷

The final section of the Critical Observations contains a comparison between Robertson and Hume. Stuart acknowledged Robertson's literary success, but argued that such popularity would not be of long duration. Hume's reputation, by contrast, though slowly achieved, would endure.

The philosophic Historian was forgot, for a time, in the respect that was paid to an orthodox and flowery Narrator.... The dying Hume foretold his bursting fame. The living Robertson bewails his decaying reputation (45-7). Robertson is a puny stream losing itself in its mud; Hume is the voice of history speaking to the ages (52).

Stuart clearly sought to deflate the reputation of Robertson and

⁷⁵ Portraits of Darnley, Moray, and Knox.

⁷⁶ Black in the Art of History writes of Robertson's portraits: 'they are drawn without exaggeration or malice'. 122.

⁷⁷ These criticisms of Robertson are quite similar to those found in the Observations, where he Stuart wrote: 'I affect not popularity and declamation: What I have written is to the few, and not to the many' (Observations, x). Such a similarity may lend support for Stuart's authorship, but a careful imitator could have contrived this allusion.

challenge his civic power. But the intention behind his praise of Hume, who had died six years earlier, is less obvious. Though he admired Hume's philosophical ideas, he frequently attacked the History of England for its Tory bias. Moreover, Hume's condemnation of Mary as an adulteress, murderess, and conspirator would not have gained him Stuart's favour. By complimenting Hume, he may therefore have intended to set Robertson in a singularly unfavourable light and implicitly associate himself with the philosopher.⁷⁸

8.4.2. The Second Edition

The first edition of the History of Scotland (comprising five hundred copies) sold out within a year. It was a contrast to Stuart's other works, hundreds of which remained in Murray's stock. Robertson tried to depress Stuart's sale in Edinburgh. But he could do less in London where the work was sold by Murray alone. The publisher capitalised on its success and planned a second edition. In this publication, Stuart and Murray mounted a more determined attack on the authority of Robertson and his 'chosen band [who], smiling to one another and calling themselves men of Letters, decide magisterially upon writings...of every kind'.⁷⁹ Stuart intended to have the edition available in the Edinburgh bookshops by May 1783, in time for the meeting of the General Assembly. Firstly, sales of the book would be better at a time when the City was to be highly populated. Secondly, he optimistically anticipated the defeat of Robertson, the one-time Moderator, before his clerical peers. To his

⁷⁸ Recall Stuart's broadsheet attack on Robertson (Appendix 4), falsely claimed to have been taken 'from the writings of a celebrated philosopher lately deceased'.

⁷⁹ Second edition, (Ap. II. Letter II).

regret, it did not appear until August.⁸⁰ A similar strategy was successfully employed in London for the autumn meeting of Parliament where Henry Dundas might be somewhat undermined. By this time Stuart felt confident that he was gaining an ascendancy over his rivals. In a letter to the Earl of Buchan, he wrote:

I hear good tidings of my second Edition at Edinburgh. But I will not publish it in London until the meeting of Parliament. Of this step the advantages, I trust, will be completely decisive against my Adversaries. I am told the Historiographer [Robertson] is imploring pity, & giving himself up to lamentation.⁸¹

Typically, Stuart's expectations were not entirely realised. Robertson could shelter himself from the passing storm and reassert his authority. Dundas could avoid it completely.

There are two appendices to the second edition: the first contains the Observations, under a new format;⁸² the second appendix includes a collection of letters (two by Stuart and one by the Earl of Buchan) in which Robertson was challenged to defend his historical views on Mary. The first is a reprint of Stuart's 'Literary Challenge'. In the second (10 April 1783), Stuart asserted that Robertson had 'been zealous to erect a sort of literary despotism' and 'thought to wreck my reputation on the tide of their obloquy'.⁸³ In Letter III, Buchan defended Stuart as a vindicator of Mary against Robertson and attacked the Moderates' control of Scottish political and literary affairs.

⁸⁰ Stuart to Buchan (Buchan's copy), 5 Jan. 1783. GUL: MS Murray 502/70.

⁸¹ 26 Aug. 1783. EUL: MS. Dc. 1. 24. In a marginal note Buchan wrote: 'They goaded poor Stuart as they did France after war [?] to madness'; and of the Moderates he wrote: 'Everything they have done since the year 1760 has been concerned [?] in folly and brought forth in imbecility'.

⁸² The note section, 'Proofs, Illustrations, and Controversy', was given equal status with the text.

⁸³ The original of the letter is in the EUL: Dc. 1. 24.

I suppose the fear of offending the high presbyterian party, [and] the desire of pleasing the English by an extenuation of the ungenerous conduct of Elizabeth...induced your antagonist to avert his eye from the proofs which you have produced in vindication of the unfortunate Mary.⁸⁴

Buchan placed the encounter between Stuart and Robertson in the context of Anglo-Scottish politics and employed the rhetorical language of republican Whiggism. The constitutional principles implicit in the History of Scotland were antithetic to those held by the powers who controlled the flow of patronage from London to Scotland. The chain of Tory influence from Henry Dundas to Robertson found itself challenged by a whiggish faction which was led by the Earl of Buchan and his influential brother Henry Erskine. At the time the second edition was published, the Fox-North Coalition had formed a new government. Henry Erskine replaced Dundas as Scotland's Lord Advocate. But Dundas's control of Scottish politics was still considerable. He therefore continued to be a viable object of attack.

Both Stuart and Buchan espoused republican principles in the context of post-Union Scottish patriotism,⁸⁵ Mary Queen of Scots was adopted as a symbol of an oppressed Scotland. The alliance between the Earl of Moray and Elizabeth to overthrow Mary was shown as an historical example of the danger which the Tory influence of Dundas posed to Scottish autonomy and identity. Dundas was implicitly compared to the Earl of Moray (or Morton); Robertson,

⁸⁴ Buchan to Stuart: 18 April 1783. Letter III Ap. II, 158.

⁸⁵ They were not nationalists in the modern sense (or opponents of monarchy) but patriotic liberals who supported parliamentary and burgh reform. Buchan himself had objected to the autocratic manner in which Scotland's seventeen peers were chosen. Since the Union these representatives had been selected by Court ministers (the King's List). Thus, those elected supported the interest of the ruling party. Buchan believed such a practice undermined the autonomy of Scotland and made a mockery of the Articles of Union.

his local agent, was associated with pandering church leaders of the Reformation.

8.4.3. The Charter Controversy

A challenge to Tory authority openly manifested itself when Buchan sought to obtain a royal charter for the Society of Antiquaries.⁸⁶ This application met with formal opposition from the main Edinburgh establishment bodies: the Senatus Academicus of the University, the Faculty of Advocates, and the Philosophical Society. The former, the governing body of Edinburgh University, was composed of a committee of professors led by William Robertson. They argued that only one organisation dedicated to the advancement of learning was practical in Scotland. In a memorial to Dundas, Robertson further declared that the Advocates' Library was a sufficient 'repository of everything that tends to illustrate the History, the Antiquities and the Laws of this Country' and that the newly established Society of Antiquaries' museum was superfluous because the University Museum could accommodate all of Scotland's public artifacts. The Memorial sought to subsume Buchan's Society into their intended Royal Society of Edinburgh. Certain points in the Memorial angered patriotic Whigs like Buchan and Stuart:

In Countries of great extent, and where knowledge is much diffused, a considerable Variety of Literary Societies may be established with Advantage.... But narrow Countries do not admit of such a Subdivision....

⁸⁶ Two very useful accounts of the events surrounding the charter application are: Roger Emerson, 'The Scottish Enlightenment and the End of the Philosophical Society of Edinburgh'; and Stephen Shapin, 'Property, Patronage, and the Politics of Science: The Founding of the Royal Society of Edinburgh'. But see also J. G. Lamb, 'David Steuart Erskine, 11th Earl of Buchan'; R. G. Cant, 'David Steuart Erskine'; and Smellie, I, 333-4 and II, 88-9.

It is therefore humbly proposed that instead of granting a Charter to the Scotch Antiquaries, as a separate Society, that a Society shall be established by Charter upon a more extensive plan, which may be denominated the Royal Society of Edinburgh.⁸⁷

James Boswell offered his opinion on the Charter affair after attending a meeting of the Faculty of Advocates where it was decided that this body should oppose Buchan's plan. Boswell 'was vexed that there was such a majority on the illiberal side'.⁸⁸

Ultimately, both Societies were granted royal charters in March 1783. Shapin argues that 'the affair of the Antiquaries' Charter was the *occasion* for the founding the RSE'.⁸⁹ Emerson looks more closely at the state of scientific study in the Philosophical Society and suggests that there was 'an implicit recognition of the need to further specialize their scientific society and to purge it of such extraneous interests as history and antiquities'.⁹⁰

Buchan opposed the trend towards specialisation and elitism implicit in the new Royal Society. In the Hobby-Horsical Antiquary, I. G. Brown defines the 'intellectual territory' of a mid-eighteenth-century antiquarian society. There is a notable parallel between its aims and those to which Gilbert Stuart directed himself in his historical works: Of interest to the antiquary of the 1780s was 'everything that may tend to compare our antient with our modern

⁸⁷ Senatus Academicus Minutes EUL: Da. 1, ff. 306-15: 30 Dec. 1782. This Memorial, presented by Principal Robertson, was revised at meetings on 2 Dec. and 10 Feb. 1783. The final copy, sent to Dundas, is in the NLS: MS. 2617, f. 58.

⁸⁸ The vote was eleven against opposing Buchan, thirty-seven for opposing. Applause of the Jury, 58 (8 Feb 1783).

⁸⁹ i.e. Royal Society of Edinburgh, Shapin, 24.

⁹⁰ Emerson, 44. He extends his analysis to suggest that the founding of the Royal Society 'signalled the end of one phase of the Scottish Enlightenment' (61).

attainments'.⁹¹ Buchan sought to perpetuate the tradition of gentlemanly scholarship that he had inherited from Robert Sibbald, Archibald Pitcairne, and other Scots of the late-seventeenth and early-eighteenth century in whose works are found important foundations of the Scottish Enlightenment.

The political dimension, that is, the opposition to the Toryism of Dundas, motivated Buchan to promote an alternative society. Like Stuart, he confronted his opponents with the rhetoric of a patriotic Scotsman who did not want to see the resources and individuality of his country compromised by English influence. Buchan, founded his Society in November 1780 and invited Stuart to attend the first meeting. Stuart was in Scotland at the time and acknowledged himself as a 'zealous votary' of antiquarian pursuits. But he was 'wholly engrossed' with History of Scotland, and thus declined taking an active role.⁹² In an address to the Society, Buchan included Stuart in a list of learned Scotsmen who vindicated the eighteenth century 'from the accusation of indolence, or want of learned & political illustration'.⁹³ Stuart, in his turn, advertised his membership in the Society on the title-page of the History of Scotland.

In the midst of the Charter controversy, Buchan listed reasons why they had met with opposition from the Edinburgh establishment. The first he gave was that 'we have had the audacity and want of taste in admitting Doctor Gilbert Stuart the Asserter of the Principles of Liberty and the opponent of the

⁹¹ Brown, 13.

⁹² Stuart to Buchan. 31 Oct. 1780. EUL: Dc. 1. 24, f. 12.

⁹³ Minutes of the Society of Antiquaries, 14 Nov. 1780.

great Robertson to be a member of our Society'.⁹⁴ After the conclusion of the Charter controversy, Buchan defined the nature of that patriotism which he and Stuart shared.

I considered Scotland...as a rude but noble Medallion of antient Sculpture, which ought not to be defaced or forgotten in the Cabinet of Nations because it lay next to one more beautiful and splendid, richer & larger, more polished and elegant, but of less relief. As a Man I felt myself a Citizen of the World, as a friend to peace, to liberty, and to science...I considered myself as an Inhabitant of an united Kingdom, but as a Citizen, I could not help remembering that I was a Scot.⁹⁵

In the course of the affair, Stuart was writing for the English Review. In the May 1783 issue, he prepared a lengthy article on the 'dispute which happened between the Society of the Scottish Antiquaries on the one hand, & Dr. Robertson, the celebrated Historian, with his friends on the other'. All the important documents relating to the controversy were reprinted.⁹⁶ A notice at the bottom of this article stated that the Antiquarian Society's charter had been obtained.

The victory was satisfying to Stuart. It was an affair of national

⁹⁴ Society Minutes, 5 Nov. 1782. A further dimension of the controversy centred on an earlier rivalry between Stuart's friend William Smellie and the Reverend John Walker over the appointment to the Chair of Natural History. Like the Public Law Chair, this post was in the gift of the Crown [i.e. under the patronage of Dundas] rather than of the Town Council. Walker's influence with the Moderates enabled him to obtain the professorship. Three other supporters of Buchan (Andrew Dundan, Andrew Wardrop, and Robert Freer) had also been denied University posts as a result of political influence. See Emerson, 36.

⁹⁵ *Ibid.*, 15 Nov. 1784.

⁹⁶ There were six: 1. A public letter by Buchan and Cummyng (15 April 1783); 2. The Petition to the King for a Royal Charter; 3. The Memorial of the Senatus Academicus; 4. The Memorial by William Cullen (vice-President for the Philosophical Society) for a royal charter, dated 14 Dec. 1782; 5. A Letter from the Curators of the Advocates Library, stating that threat which the Antiquarian Society posed to the Library; and 6. the Antiquarian Society's Memorial to the Lord Advocate, refuting the above opposition. English Review, I (May 1783), 425-35.

consequence in which he and the History of Scotland played a supportive and public role. In his mind, he had gained a moral and scholarly ascendancy over Robertson, however short-lived or superficial it might have been. The affair itself and the patronage of Buchan enabled him to achieve this.

In the English Review, and afterwards in the Political Herald, Stuart continued his attack on Robertson and Henry Dundas. These activities and others in the last years of his life are the subject of the final chapter.

Chapter 9

The Final Years: 1783–6

9.1. Introduction

The expense of living in London made it difficult for Stuart to continue his historical studies. To return to Edinburgh, however, was not a viable prospect. The control which Robertson and his 'literary band' held on civic establishments and the uncomfortable necessity of being in close proximity to his antagonists compelled Stuart to settle in London. Still, he wanted to contribute something to show the progress of Scottish culture. It was his intention to prepare a number of articles for the Earl of Buchan's 'Biographia Caledoniæ', a project comprising literary portraits of eminent Scotsmen. Buchan remarked to David Dalrymple that 'Doctor Gilbert Stuart has pledged himself to do something for us in the Biographical department & to choose some subjects...that may lead to a more just display of the manners of the Country & of the times'.¹ Stuart began to write the lives of John Knox, George Buchanan, and the jurist Thomas Craig. It was his further plan to supplement the account of Knox with 'some reflections [sic] upon religious establishments' and that of Craig with 'some thoughts upon the feudal & Canon laws'.² But he never found the opportunity to complete these projects.

In a letter to Dalrymple, thanking him for copies of the 'Lives of Boyd

¹ 24 April 1782. NLS: Acc. 7228/24, f. 143. Dalrymple himself published a series of sketches: namely, of John Hamilton, John Barclay, Mark Alexander Boyd, and Sir James Ramsay. Buchan was preparing the Essays on the Lives and Writings of Fletcher of Saltoun and the Poet Thomson (1792) and An Account of the Life, Writings, and Inventions of John Napier of Merchiston (1787).

² Stuart to Buchan (Buchan's copy), 5 Jan. 1783. GUL: MS Murray 502/70.

& Hamilton', Stuart expressed regret that he had not been able to direct his 'attention to similar pursuits', and reflected more generally on the misfortune with which he had met in his life. From London he wrote in November 1784:

Disappointments, which I have never merited, by calling me to reside in London, have given a different direction to my cares. When it is in my power to live easily in my own country, I shall return to it [and] renew my Historical & Literary occupations.... In this World, we must often yield to circumstances & accident. But, if Fortune has been frequently unkind to me, my claims upon her, I consider, to be the greater.... At all events, it becomes me to act my Part with propriety & fortitude.³

This modest, if somewhat despondent description characterised the way Stuart wished to be seen by others, particularly men, like Dalrymple, of a superior standing. Those with whom he was more intimate probably witnessed more resentful expressions of his unhappiness. Stuart rejected sympathy; but, at the same time, it was important that the circumstances behind his 'disappointments' be generally known. In these personal remarks there is an echo of the determinist principle that informs his observations on the progress of society. To Dalrymple he acknowledged that 'we must often yield to circumstance and accident'. Twelve years before he had written in the English Constitution that 'by circumstance and accident...rules are discovered for the conduct of men' (223).

In London, Stuart resumed his connection with the Monthly and joined John Murray in establishing a new periodical, the English Review. Two years later (in 1785), he began another, the Political Herald.

³ 4 Nov. 1784. NLS: Newhailes Papers. Acc. 7228/25, ff. 10-1.

9.2. The English Review, or an Abstract of English and Foreign Literature

This discussion focuses on Stuart's contributions to the English Review. Because of the anonymous nature of the writing, attributions are based on style and content, and are necessarily speculative. Following a brief consideration of the format of the work, attention is drawn to a series of letters printed in the Gentleman's Magazine after Stuart's death. These shed light on his role in the English Review and more generally provide some interesting descriptions of his character as a reviewer. From these, Stuart's reviews of two important works of the Edinburgh Enlightenment are discussed: Hugh Blair's Lectures on Rhetoric and Belles Lettres (1783) and Adam Ferguson's History of the Progress and Termination of the Roman Republic (1783). This is followed by an account of the political views expressed in the journal.

Another key figure in this production was William Thomson.⁴ The format of the Review was loosely based on the Edinburgh Magazine and Review, but the vindictive spirit which came to characterise the Scottish periodical was held at bay by Murray's management. The publisher realised that Stuart's journalistic talent required proper channeling.

The first issue of the English Review appeared in January 1783. In the

⁴ Thomson, a fellow Scot, had been a divinity student at Edinburgh in 1774 and 1775 and may have met Stuart at that time. After a short clerical career, he set out for a the literary world of London, where his friendship with Stuart was confirmed. He wrote for the English Review for many years and became the proprietor when Murray died in 1793 (Roper, Reviewing before the Edinburgh, 31). In his satire of Charles James Fox, The Man in the Moon (1783), he wrote of Stuart: 'I question not his abilities, but I doubt his candour. He is distinguished by a strange mixture of prejudices apparently inconsistent, violent whiggism, and no less violent attachment to the family of Stuart'. (II, 197). For an account of Thomson (1746-1817) see the Annual Biography, II, (1818), 74-117.

Preface, the conductors compared their periodical with the two leading critical journals of the day, the Monthly and Critical. Their new venture was presented not as a rival but as a complement to these works. It is 'a matter of surprize', wrote the editors, 'that two publications only of the critical kind should have been able to establish themselves in England. That another should start for the public approbation cannot justly be a subject of wonder' (I, 3).⁵ Murray sensed that there was a market for a journal independent of Whig or Tory associations. To ensure the appeal of the work, he and Stuart planned to offer something more than did the 'regular' reviews. Two sections were added to the main critical portion of the Review: a survey of the London theatre and an account of national and international affairs. The theatre report provided remarks on new plays and well known players. It was designed particularly for the amusement of the reader. The political commentary assumed a more instructive tone. The conductors believed that there was 'a reciprocal action of government on literature, and of literature on government' (I, 4). It was therefore their intention to comment both on the affairs of the Empire and on 'every book and pamphlet which shall appear in England, Scotland, Ireland, and America' (I, 3).

The critical section was divided into two parts: The first included reviews (ten to fifteen) of important new books; the second, short articles (about twenty) of less important works and pamphlets, poems, translations, and foreign publications. The latter division, headed the 'Monthly Catalogue', was itself divided into subject categories: 'Poetry', 'Political', 'Medical', 'Divinity', and

⁵ Boswell recorded a comment of Johnson's on the work: 'He had before him the English Review, which he called "an irregular review" (in opposition to the regular established ones). Doubted if it could be established. The others, he said, were done well'. Applause of the Jury, 119 (28 April 1783). See also the Life of Johnson, I, 337.

occasionally 'Law' and 'Novels'.⁶

Stuart and Thomson, the main writers, could hardly review each of the thirty-odd works listed each month; and it was not Murray's intention that they should. Others were enlisted as regular contributors. He asked Robert Liston for 'reviews of Foreign books' and John Logan, the minister at Leith, for articles on 'the present state of Church politics in Scotland [and] news...of every thing relating to literature or the arts &c in Scotland'. Murray emphasised to Logan that the work must retain an unbiased tone: 'It should be done with the utmost impartiality, for I must avoid violence & party spirit in my publication'.⁷ In the medical department, the publisher enlisted Dr. Thomas Beddoes to review new works.⁸

Murray had gathered a talented group of literary men, but to ensure its success he himself edited the production. Not only did he find that certain articles 'frequently required the pruning knife' but in general it was his policy 'firmly to maintain a controul [sic] over my own property'.⁹ Profit and propriety guided him in this endeavour. According to Smiles, the English Review 'was by no means a paying publication'.¹⁰ But the fact that it continued for a number of years suggests that it was at least a moderate success.

⁶ Of the works published each month political pamphlets were by far the most numerous.

⁷ 8 Nov. 1782 and 4 Dec. 1782. MC.

⁸ Murray to Beddoes, 17 Dec. 1783. MC. See Roper, 22, for a list of other contributors.

⁹ Murray to Thomson, 27 June 1785. MC.

¹⁰ Smiles, A Publisher and his Friends, I, 25.

9.2.1. 'A Critic of Insane Repute'

There is conflicting evidence whether Stuart acted in an editorial capacity or merely wrote articles for inclusion.¹¹ A series of public letters which touch upon this subject were printed in the Gentleman's Magazine a number of months after Stuart's death. The correspondents were William Thomson and John Pinkerton, another literary figure who knew Stuart.¹² The exchange was initiated by a debate over the merits of Pinkerton's Letters of Literature (1785) (written under the pseudonym Robert Heron). Pinkerton made a complimentary reference to Stuart in the Letters in the context of a criticism of David Hume.¹³ Like Stuart, Pinkerton admired Hume's philosophy and literary style but he regarded the History of England as 'a mere apology for prerogative from beginning to end'.¹⁴ It was a reiteration of the popular view of Hume as a Tory historian. From this assertion, Pinkerton entered into a discussion of Scottish writers, setting Stuart apart as a Whig:

I know not how it is that the whole late Scottish [sic] writers of any eminence have been on the tyrannic side, if we except Dr. Stuart, a man of real abilities, but strangely misapplied in pulling down those of others.¹⁵

In his letter to the Magazine, Pinkerton was less complimentary. He criticised

¹¹ A reference on this matter is found in the Letters of Sir Walter Scott ed. H. J. C. Grierson (London, 1932) II, 106. To Mr. Gifford, Scott wrote: 'The English Review for example once conducted by Gilbert Stewart might be revived under your auspices' [25 Oct. 1808].

¹² Pinkerton wrote under the pseudonym 'Vindex' and Thomson under 'Small Shot'.

¹³ The letter in question (LVII) contained two parts, 'A Discussion of Mr. Gray's Character of Hume' and 'Censure of popular sceptic writers'.

¹⁴ Letters, 366.

¹⁵ *Ibid.*, 368.

Stuart for abusing his 'great influence over the periodical dispensatories of fame, and by them over public opinion'. He also referred to his role as a reviewer:

Dr. Stuart, in a Review which he set up and superintended, thought proper by himself or subalterns, to take his revenge on Mr. H [Pinkerton] for calling him 'a man of abilities, but strangely misapplied in tearing down those of others'. This revenge is a lively picture of Dr. Stuart's own mind.... A critic of insane repute calls Mr. H. a lunatic.¹⁶

Thomson placed the argument on a different footing when he asserted that Stuart did not write the review of the Letters. Stuart had, he added by way of refutation, a 'foolish partiality' for Pinkerton and wrote a panygeric which Murray had prudently suppressed. Thomson continued:

If the words 'critic of insane repute' be leveled against Dr. S. it may be sufficient to say, that the only instance his friends ever observed of this insanity, was the unaccountable regard and attention he paid to the author.¹⁷

In a rejoinder, Pinkerton acknowledged his error in attributing the review to Stuart but maintained that the latter had 'originally projected and conducted' the English Review and that his description of Stuart was accurate. 'His best friends will not deny its justice, though, with me, they admire his abilities'.¹⁸

In April 1787, Thomson retorted with a letter headed 'Small Shot's Parting Blow to the Accuser of Dr. Stuart' where he asserted that Stuart had only managed the Review for a short period when Murray was away from

¹⁶ GM, 56 (Dec. 1786), 1021. The article on the Letters appeared in the English Review 7 (Jan. 1786), 33-7. Pinkerton was treated severely.

¹⁷ Ibid., (Supplement for 1786), 1128.

¹⁸ Ibid., 57 (Feb. 1787), 120-1.

London. An attack on Pinkerton followed:

The fact is, that Mr. H. [Pinkerton] had all along taken it for granted that Dr. S. was the despotic ruler of the English Review: impressed with this false idea, he invited him to dinner about the time the Letters of Literature made their appearance. Finding that the Doctor had eaten his beef, and drunk his wine, had accepted his offerings without bestowing in return the expected salvation...the Demon of Revenge took possession of his soul.¹⁹

Thomson continued in an increasingly heated tone, vindicating Stuart and criticising Pinkerton. But even this was not the end. In May 1787, Pinkerton's final reply appeared. He acknowledged having dined with Stuart in 1783 but insisted that it was only for the purpose of showing him a collection on manuscripts on Scottish history. Three further meetings with Stuart were held in 1785 to discuss controversial points in the History of Scotland. At the last, 'the Dr. told that he was himself the founder of the English Review against the Monthly, by which he conceived himself maltreated on account of this very History of Mary'. In summary Pinkerton wrote:

I said Dr. S. was consumed with envy. Your correspondent [Thomson] denies not this; and who can, who ever was once in Dr. S's company? It is a crime to say the truth? I also implied, that Dr. S. was a bad moral character. Who can deny this, who knows his life?²⁰

This mass of interesting though conflicting material does little to clarify Stuart's role in the English Review. However, these descriptions in the final years of his life highlight that side of his character which could not contend with disappointment and therefore sought refuge in vituperation and drink.

¹⁹ Ibid. (April 1787), 296.

²⁰ Ibid. (May 1787), 397-8.

Fortunately, Murray was usually at hand to temper Stuart's literary and emotional excesses. Though caustic towards others, the greater burden fell upon himself. In controversy and in Burton Beer he found temporary solace. But in the proper frame of mind, he could apply his journalistic talent with *éclat*.

9.2.2. Reviews of Blair and Ferguson

John Logan wrote to Stuart on behalf of his friend and patron Hugh Blair, whose Lectures had recently been published, in the hope of insuring a favourable review. The letter suggests that Stuart wielded considerable power at the Review.

Dr. Blair...hath I confess one deplorable fault. From inveterate and incurable habits he is too much connected with a literary Imposter, whom you have completely stripped of his borrowed plumes. He has never with pedantic authority opposed the career of other Authors.... I cannot help wishing Success to Fingal in the last of his fields.... Your influence to give Dr Blair his last passport to the public will [be very] agreeable to the Literati here.... Write me such a letter as I can shew to him to quiet his fears.²¹

Logan knew that by alluding to Robertson in such a deprecating manner, he might win Stuart's favour. He even offered to write the review, but Stuart reserved this task for himself.

Stuart praised Blair for his logical arrangement, and credited him for expressive language. But when he turned to consider the actual content of the Lectures, he noted a certain lack of originality: 'No new discoveries are to be made; and the discerning inquirer is somewhat scandalized, to be deluded with

²¹ 8 March 1783. EUL: La. II, 419/1. Printed in Smellie, II, 10-12.

grand preparations that are to lead only to old and established truths' (II, 18–9). Stuart's anti-clerical inclination was also apparent. He criticised Blair for giving an imbalanced overview of oration because, as Stuart wrote, 'he was eager to leave the bar to examine the eloquence of the pulpit' (II, 82). Blair's preference for French sermons over the English was censured on nationalistic grounds. To Stuart, this emphasis was artificially cosmopolitan. But it was an odd criticism of a man whose own sermons were extremely popular. Stuart failed, or perhaps chose not to see that Blair was being modest about his own writings.

Stuart also scrutinised Blair's views on the subject of historical writing. Blair's assertion that historians before Hume, Robertson, and Gibbon were 'little more than dull compilers' was challenged (II, 88); Bacon, Herbert, Raleigh were cited in opposition. History, Stuart wrote, is 'a subject infinitely beautiful...and not perhaps to be completely understood, except by those who have actually distinguished themselves by historic[al] works' (II, 86). Finally, Stuart returned to praise Blair's industry and organisational ability, but added rather disparagingly that a short treatise might have done more to advance his reputation (II, 90).²²

The review may not have been entirely what the 'master of rhetoric' or his servant, Logan hoped for, but it was, more or less, an accurate appraisal of the Lectures.²³ In the letter quoted above, Logan also mentioned to Stuart that Adam Ferguson's Roman History was advertised. Although he did not have the

²² In this review and in another place, Stuart remarked on a difference between Blair's printed Lectures and those given at Edinburgh University (which he probably attended): the 'master of rhetoric'...has suppressed in his lectures to the public those strictures on the style of the Rambler, which served as high seasoning to his course, when delivered within the walls of the academy, to an audience of Caldeonian youth' (I, 498). Stuart included a specimen from Blair's 'real lectures' to confirm his point (II, 91n).

²³ In a letter to Alexander Carlyle (12 April 1786), Logan referred to Stuart's review: 'In...the next English Review...there is a compliment to Dr. Blair, to make some attonement [sic] for the freedom with which he was treated formerly'. EUL: La. II, 419/1.

same personal interest in the fate of this work, he did use the opportunity to put himself in favour with Stuart by mentioning in deprecating terms another rival, Robert Henry: 'The public...will discover that his [Ferguson's] manly ease of writing is as different from that colloquial cant of such a vulgar scribbler as Henry, as the robe of a rustic Dictator is from the garb of an ordinary ploughman'.²⁴

In the review, Stuart noted with approval that Ferguson justly placed more emphasis on instruction than entertainment, and remarked that the latter was 'too often the leading object of the common historian' (i.e. Robertson or Henry) (I, 323). Ferguson also met with Stuart's favour in the matter of sentiment and utility: 'He has every where scattered...a beautiful morality, and a high approbation of public virtue' (I, 327-8). However, he censured the lack of narrative flow, stylistic imperfections, and the fact that Ferguson 'neglected to adopt the practice of the antients, who were fond of putting speeches into the mouths of great actors' (I, 322). The most interesting feature of the piece is a comparison of Ferguson with Hume, Robertson, and Gibbon:

If Dr. Ferguson is not so accurate in his reasonings, nor so various in his modes of expression as Mr. Hume, he is yet more candid and more favourable to the natural and political rights of mankind. If his diction is more obscure, less easy, and less pleasing than that of Dr. Robertson, he is yet more versant in affairs, more learned, and more penetrating in philosophy and manners. And, in fine, if not so acute, so critical, and brilliant as Mr. Gibbon, he is yet more faithful to his authorities, and more friendly to morality; and whatever religious opinions he may entertain, he does not go out of his way to make an ostentatious parade of them (I, 329).

As a critic, but more so as an historian, Stuart read carefully the ancient and

²⁴ 8 March 1783. EUL: La. II. 419/1.

modern writers. Though skilful in his manner of adopting the useful features of contemporary historians, his opinions about them were prejudiced in certain respects. His notion, for example, that Hume was an 'advocate for tyranny', made it appear that he dismissed Hume's observations when in fact they were a formative influence. The censure of Robertson, a synopsis of his comments in the View and the Observations, was milder than might have been expected. Gibbon, he felt, was too insistently sceptical in religious matters, and judged such an attitude to be unproductive of the common good. The function of the historian was not only to transmit knowledge; but to serve as an improver of moral sentiment and political understanding.

9.2.3. Politics in the Review

Stuart's hand in the political department is less obvious. The views expressed are, however, interesting and expressive of his concerns at the time. In the first report on 'National Affairs', Britain after the loss of the Colonies, was contrasted with Britain twenty years before, after the Treaty of Paris. The writers drew a 'painful comparison' between what the country 'so lately was, with that it now is' (I, 82).²⁵ Although recent history had been fraught with defeat and debt, the writer extended his views beyond the material loss. He suggested that out of the revolution in America the idea emerged that the British Constitution would continue to facilitate the progress of society: 'the liberties of Englishmen thus preserved, are a stem that may yet bear the noblest fruit' (I, 87).

²⁵ Compare this with an article in William Creech's Edinburgh Fugitive Pieces (1791), 'Letters containing a comparative view of Edinburgh in the years 1763 and 1783', 63-111.

From a hopeful perspective of the first articles, in which tangible loss of the Colonies was transposed into an ideological gain, more concern was expressed about the future.

The laxation of the British Government, the example of America and Ireland, the county associations, the divisions in parliament; these have engendered...a tendency to political disobedience in different classes of people (I, 270).

A more aggressive policy was recommended. The too great 'love of peace' -- a result of the recent defeat in North America -- threatened British commercial interests. Thus it was necessary to deal forcefully with American trade encroachments. Em^{ig}igration from Scotland and Ireland also added to the gloomy forecast (I, 272). The Review's political commentary reflected the lackadaisical spirit of Britain in these months. In this mood, the period was recalled when the seeds of colonial dissent were sown:

Such are the fruits of that oppression under the...Stuarts, which drove multitudes to people and to cultivate...North America, and of those necessities which obliged princes of that race to sell to the colonists charters that nourished in their breasts those seeds of freedom, which first united, and afterwards dissevered from Great Britain, so great a portion of the western world. It is amusing to reflect on the intricacies of human affairs, and how short a way human sagacity sees into futurity! (I, 445).

Pessimism had taken hold of the Review. Concern was voiced over the fate of the loyalists still in America and the severity of the American popul^{ace}ous towards them pictured in a reprehensible light (II, 74). President Washington, however, was described as a '*Caesar* without his ambition; a *Sylla* without his crimes' (II, 156), and it was rather philosophically acknowledged that 'anarchy will settle soon into regular government' (II, 155).

The most important political event of 1783 was the coalition

government of Fox and North.²⁶ This 'fourth change of ministers in the course of twelve months' was surveyed with scepticism and concern (I, 183). The writer predicted that 'this extraordinary conjunction will whet the public appetite for censure, will sharpen the jealous eye of opposition...and give the very worst colour to every error in their administration' (I, 357).

As an advocate of reform, Stuart regretted that Fox, the 'man of the people', was compelled by his association with North to compromise his policy of reform (II, 269).²⁷ The politics of the ministers were 'grounded not in political principles, but in private interest and ambition' (I, 268). Amidst the account of ministerial jockeying, the editors warned the people that the King might take the opportunity to move into the fore of power (I, 270). It was necessary to prevent this threat to the balance of the constitution.

With the fall of the Fox-North Coalition in December 1783, and the consequent rise of William Pitt, new subjects of speculation opened. After more than a decade of Toryism under Lord North, Stuart welcomed Pitt's plans for parliamentary reform. In Pitt's view, 'the people had a share in the government by means of representation.... When it ceased to be so...it was not innovation, but recovery of the constitution [that was required] to repair it'.²⁸ This basic democratic principle underlied the political ideology in the English Constitution, the View, and the Observations.

Pitt met with strong opposition. After three months of political

²⁶ A helpful survey of this administration is found in John Cannon's The Fox-North Coalition.

²⁷ See also Christie, Wilkes, Wyvill, and Reform, 177.

²⁸ Quotation from Pitt in Christie, 146. Pitt had certainly read the more radical reformers (Hulme, Burgh, Priestley, Cartwright, and Sharp) and may have read Stuart.

deadlock and growing public pressure, he dissolved Parliament rather than resign. At the subsequent General Election, however, he was returned with an overwhelming majority. Gunn in Beyond Liberty and Property (1983), comments on the significance of these important events as reported in the pages of the Review.

No publication expressed more enthusiasm for the implications of the premature dissolution.... From the beginning, the Review portrayed the events of 1783-84 as marking a new era. The people, it claimed, now functioned as the final arbiter in all disputes between the various branches of the legislature....

From the events of 1784...the Review drew very far-reaching conclusions about the drift of national affairs. They proclaimed the growth of a 'Spirit of Association' that embraced the politics of all parts of the British Empire'.²⁹

This was Stuart's primary political aim. But he did not see the rise of public opinion as an innovation. It had historical precedents which he had documented in his constitutional works. In the View, for example, he pointed to the period of the Magna Charta, when 'the discussion of political topics was to employ even the lowest ranks of the citizens, and to engender a turbulence, which, with all its ills, must be allowed to be respectable'.³⁰

Through the course of the reports on national affairs, Scotland received a fair amount of attention. The political situation there was usually foremost in the minds of Stuart and his fellow Scottish editors. Constitutional reform was advocated because the method of electing Scottish parliamentary representatives was highly favourable to the aristocracy. It was therefore

²⁹ Gunn, 284-5.

³⁰ View, 124.

essential to remove the system of 'fictitious voting' which precipitated feudalistic corruption.³¹ The manner in which city magistrates were elected was also deemed to be in need of more democratic reform. To enact these changes, it was necessary to rouse public spirit in Scotland and make their grievances known at Westminster: 'If the Scotch obtain not the redress for which they wish, there is not a doubt, that matters must be decided by superior force' (I, 527). The demand for a Scots militia, a familiar appeal in Stuart's writings, was added to the list of reforms. These were not abstract demands. They were placed in the context of the recent political events.

The Americans and Irish having successfully claimed the power of sovereigns, the Scotch nation ventured at length to think of arming itself in its own defence, and to claim the privileges of loyal subjects (I, 87).³²

A pamphlet favouring parliamentary reform in Scotland was enthusiastically reviewed.³³ The writer announced that 'the spirit of political reformation has at last reached North Britain' (I, 445). Another pamphlet, the Letters of Zeno to the Citizens of Edinburgh on the Present mode of Electing a Member of Parliament, was of particular interest to Stuart. Thomas MacGrugar, the author, was the secretary of the Edinburgh Committee for parliamentary reform.³⁴ In the pamphlet, he directed the reader to remarks in the Observations and confirmed

³¹ On this subject Christie writes: 'Even substantial landowners, [like Boswell] lacking the superiority [i.e. direct tenure from the Crown] had no right to vote in parliamentary elections; and the nobility exploited the legal situation to create...votes in their own favour' (160).

³² This quotation is relevant in the light of Christie's comments on the topic of reform in general from the 1760s onward: 'The main stimulus of the Wilkes-ite and Wyvill-ite agitation came from a particular and unique series of political & military events the crises and the hostilities leading to the loss of most of North America' (222).

³³ An Address to the landed Gentlemen of Scotland upon the Subject of nominal and Fictitious Qualifications used in the Elections of Members of Parliament (Edinburgh, 1785).

³⁴ Christie, 173-4 and 190; Black, the Association, 123.

Stuart's assertion that the inhabitants of cities originally possessed the right to elect officials. He described the Observations as 'a book, which for important information, and the liberal spirit in which it is wrote, is a very considerable acquisition to the republic of letters, and the interests of civil liberty'.³⁵ In a review of MacGrugar's pamphlet, Stuart lamented that Scotland, unlike England had 'not been distinguished by any great and steady efforts for civil liberty' (I, 501). But the review ends with more hopeful anticipation of 'the rising spirit of the Scottish Nation' (I, 501).³⁶

In July 1783, the English Review reported on the formation of extra-parliamentary committees and associations to enact reform. Counties and towns were organising themselves to reduce the power of 'a few noble families who have governed Scotland'. All this 'will ultimately tend to the extension of the rights of human nature in that part of the united kingdom' (II, 80).³⁷

The Scottish reform movement had gained impetus from the example of extra-parliamentary groups in England. The most important of these was the Reverend Christopher Wyvill's Yorkshire Association. Wyvill knew the strategic importance of Scottish support. He understood that Stuart's moderate brand of republicanism was similar to his own. In November 1782, therefore, he wrote to request Stuart's help. Wyvill asked him to transmit a proposal of the Yorkshire Committee to the Edinburgh Committee. This was necessary to ensure Scottish

³⁵ MacGrugar, (second edition), 29.

³⁶ Christie confirms Scotland's slowness to initiate reform: 'No attempt' he wrote of the Scottish Committee, 'was made to correlate pressure on parliament before the introduction of Pitt's intended motion for reform' (174).

³⁷ There were meetings to promote Scottish reform in August 1782 and December of the same year, to which the editors alluded. See Christie, 160-1 and 174.

participation at a General Convention to discuss the 'abuses in the frame and duration of Parliament; and the extention & better Regulation of the Right of Election'.³⁸ Stuart was flattered to have been approached by Wyvill, and modestly claimed that he had 'not sufficiently the command of Language to express...the extreme happiness with which I received your communications'. It was gratifying for him to think that his works had 'a title to be not indifferent to the friends of Liberty & Mankind'.³⁹ In London, Stuart could do little directly for the Edinburgh Committee. He did, however, write to the Earl of Buchan (as Wyvill had done himself) to enlist his support.

In the Association movement, Stuart could see his written contribution to liberal ideology translated into direct political action. That Wyvill wrote to everyone remotely interested in the cause of reform did not matter. In the policy of the Yorkshire Association, Stuart envisaged the liberty he had described in the woods of ancient Germany returning to the closes of Edinburgh. After 1786, it was the Scots who provided the impetus for reform when Wyvill became less active.⁴⁰

Stuart placed the necessity for Scottish reform in the context of the country's political in-fighting. In a letter to Buchan, he wrote:

There exists in Scotland, an inclement faction of men, who are enemies to the freedom of our constitution, & who would gladly

³⁸ Wyvill to Stuart, 14 Nov. 1782. EUL: Gen 1736, f. 15. The actual proposals were fourfold: 1. To abolish at least fifty 'rotten' boroughs and add one hundred members from counties and cities; 2. To repeal the Septennial Act; 3. To give the vote for Copyhold land of #40; and 4. To support the application of any County in Scotland for setting aside nominal & fictitious Votes, & regulating Elections to Parliament'. These proposals are listed in Wyvill's letter to Buchan, 22 Nov. 1782. EUL: Gen. 1736. f. 6.

³⁹ 28 Nov. 1782. Yorkshire County Record Office: ZFW. 7/2/28/19 (Copy of Stuart's letter).

⁴⁰ Black, The Association, 122.

seek for the true order of government in the dead calm of despotism.⁴¹

Stuart was alluding to Henry Dundas and the Duke of Buccleuch. Since his encounter with this group in 1777–8 over the Chair of Public Law appointment and more recently in relation to the History of Scotland, he had set himself against their conservatism. When the Fox–North Coalition came to power in 1783, Dundas's control was challenged. In July, Fox 'informed him that his services were no longer required' and Henry Erskine, the brother of the Earl of Buchan, was appointed Lord Advocate of Scotland.⁴²

Stuart gave a detailed account of the benefits this change would bring to Scotland. He further suggested that the event might be a prelude of other reforms:

Civil, ecclesiastical, and literary preferment...was generally understood to be very much under the direction of Mr. Dundas and his friend Dr. Robertson. The public curiosity is not a little excited to know the various effects that may arise, in a country that is now animated by a passion for reformation, from the late appointment to the office of Lord Advocate, of a gentleman [Erskine] who in the General Assembly has uniformly maintained the claims of the people...over that of the Duke of Buccleugh, and the House of Arnishton (II, 160).

This hope was short-lived. When the Coalition fell, and Pitt was asked to head the Government, Dundas regained the control of Scottish affairs. Ilay Campbell, a supporter of Dundas, replaced Henry Erskine as Lord Advocate. In reality, Dundas had never completely lost authority. It was clear to Stuart that other means were required to undermine Dundas. With this in mind, he established a

⁴¹ 28 Nov. 1782. Yorkshire County Record Office: ZFW 7/2/28/19.

⁴² Cannon, The Fox–North Coalition, 102.

new journal, The Political Herald.

9.3. The Political Herald, and Review; or, a Survey of Domestic and Foreign Politics; and a Critical Account of Political and Historical Publications

The controversial inclination in Stuart was somewhat suppressed in the English Review. A new forum was sought where he could more directly attack Dundas and promote reform in Scotland. In the summer of 1785, Stuart established the Herald with William Thomson. British political affairs, but especially those in Scotland, were an important feature; but commentary on events in Ireland, America, and India ^{as} were also included in the general censure of Pitt and Dundas.

The Herald was not specifically a monthly production but a 'periodical pamphlet' appearing in numbers at regular intervals. John Murray oversaw its production but did not affix his name to the title-page. He may have chosen to distance himself from the work because of the potentially libelous views that were expressed, or perhaps to avoid any risk to the reputation of the Review.

As the title indicates, politics was the keynote of the work. It contained articles on current affairs and reviews of the most recent political writings. The impartiality which mainly characterised the Review was replaced in the Herald by a polemical and oppositional tone.⁴³ Shortly before publication, Stuart wrote in confidence to the Earl of Buchan, informing him that 'there will soon appear a periodical Pamphlet, in which it is meant to treat Scottish

⁴³ In a letter to Alexander Carlyle, John Logan remarked on the Herald's political partiality. He assured Carlyle that he 'never wrote any thing in that publication except a few Reviews to please poor Stuart', and removed himself further from the production by adding: 'I am determined never to be a partisan of faction, especially of that faction'. 20 Sept. 1787. EUL: La. II. 419/1.

Affairs, as well as those of this Country'. He pointedly acknowledged the controversial tone of the work: 'The Attack against the Dundas faction commences in the first number'.⁴⁴ It was Stuart's plan to recount the deteriorating political situation in Scotland in order to 'shake the power of a very corrupt family'. The secrecy of his role in the project was essential, as he explained to Buchan:

The idea to be inculcated is, that the publication is conducted by Englishmen; & on that account it will be proper to abstain carefully from any mention of my name.⁴⁵

If the work had the appearance of English authorship the censure of Dundas might be more effective by being seen to be less factional. In the Herald, moreover, Stuart sought to revive in Scotland that spirit of reform and public action which had begun to establish itself in England.

From the outset, he emphasised the importance of public opinion when he stated that 'to the People this undertaking addresses itself'(I, 3). By this tactic, he capitalised on the political changes that were taking place. Since the time of Wilkes, 'the people' more and more were seen to be the final arbiters in national decision-making. Both Fox and Pitt, particularly in the role of Opposition, affirmed this principle. Stuart remarked that it was his aim 'to instruct, to please, and to reform'. This last addition emphasised (as set out in the English Review) 'the reciprocal action' of government and literature. Britons watched carefully to see the realisations of these claims.

⁴⁴ 25 July 1785. NLS: 967, f. 221.

⁴⁵ Ibid.. In addition to the assistance of Buchan in supplying materials on which to base their attack, Stuart asked him to engage Sir John Dalrymple for this purpose: 'Now is the time for him to revenge the persecution he has met with. I will join him with all the force in my power'.

Stuart portrayed Dundas as a man of unsteady principles who was motivated by self-interest. The politician's attachment to Lord North in the 1770s cast him in the role of one who was opposed to parliamentary reform, and conciliation with America. When the failure of the War brought down that administration, and 'power and emolument were no longer to be disposed of by the same hands[,] Mr Dundas accordingly...choise [sic] to cooperate with those, [Pitt] by whom his patron [North] had lately been opposed' (I, 402). In the political camp of Pitt, he therefore became an advocate of reform.⁴⁶

Stuart commented on the general nature of political motivation when he observed, 'reform and renovation are at all times the strong holds of opposition' (I, 8). In a satirical vein, he summarised Dundas's motives: 'No man could be more capable of being moulded into every thing that was honourable and right, no man could be a fitter coadjutor for a minister so pure, and virtuous, and heroical, as Mr. Pitt' (I, 403).⁴⁷ The Earl of Buchan reiterated Stuart's contemptuous opinion of Dundas.

Of the sycophants of D[undas], it may be affirmed, that they support a man who despised them in his heart, derides them in his conduct, and has taught them to expect that he will leave them in penury and contempt whenever another *Temple* shall be erected on the platform of royal favour.⁴⁸

Other Scottish political figures under the influence of Dundas met with censure

⁴⁶ 'In Pitt he saw the coming man; and his mind was made up that to Pitt he must, sooner or later, attach himself. He therefore declared that he always held independent opinions' (Omond, *The Lord Advocates of Scotland*, II, 100-1). See also Dwyer and Murdoch, 'Paradigms and Politics: Manners, Morals and the Rise of Henry Dundas 1770-1784'.

⁴⁷ Dundas originally had aspired to be a Court of Session judge, but now he would 'glut his rage for grandeur in a British peerage' (II, 20).

⁴⁸ *GM*, 56 (Oct. 1986), 906 (Buchan's eulogy to Stuart). This resembles Stuart's character of Robertson (Appendix 4).

in the Herald. Ilay Campbell, for example, was attacked for his support of the bill to reduce the number of Session Judges. Such a diminution was intended, in Stuart's words, 'to secure...the ascendancy of the family of Dundas' (I, 34) and was 'in opposition to the Treaty of Union' (I, 333).

Stuart sought to rouse the spirit of rebellion in his fellow Scotsmen by comparing the danger of the bill with recent national events. Addressing himself to Ilay Campbell, he wrote:

We have lost America; and the fate of Ireland hangs in suspense. At this most critical of all times, you give a stab to Scotland. Do you imagine, that a people, who have been once so illustrious, and who even at the present moment are so remarkable for their fervid genius, will tamely submit to your insults? Is Scotland less attentive to its interests, and its character, than America, or Ireland?... A much slighter cause [the Stamp Act] gave rise to the American war! (II, 35-6)

The invective rose to a revolutionary pitch. Stuart even ventured to suggest that France (and Holland) might support the Scottish opposition to English domination and thus renew the 'ancient alliance'. This might be the consequence of the ministry's 'very daring attempt to invade the Union' (I, 33). To Stuart's regret, it seemed that the stronger his invective, the more secure the power of Dundas.

In an article entitled the 'Political Situation of the Scots at Different Periods', Stuart presented a constitutional history of Scotland from 1603 to the present. It was another attack on conservatism. The 'spirit of liberty' was introduced into Scotland but unjust laws prevented the realisation of it. He framed this pessimism with an outline of the undemocratic nature of Scotland's electoral systems.

The high qualification requisite to vote at a county election, checks the industry as well as emulation of the inferior ranks....

The method of splitting votes...though contrary to law, has thrown the influence at county elections almost entirely into the hands of the great families....

The mode of election in burghs is still more degrading and deplorable. The magistrates and members of councils are not chosen by the community they represent. They elect one another...and hold exclusive management of all public affairs (II, 196).⁴⁹

In this later period of his life, Stuart grew more doubtful about the advantages which Scotland could gain from the Union. Public opinion and reform were permanent features of English society but had made slower progress in Scotland. He attributed this to Dundas. The implication was that the aristocratic influence still held sway as in corrupt feudal times. Scotland did not share equally in the benefits of the English Constitution. This was not the fault of the country but of Dundas.

The factional emphasis in the Herald had, according to the Earl of Buchan, 'excited great indignation'. In remarks to the Scottish Society of Antiquaries, he justified Stuart's attack on Dundas:

Let it be remembered, that the worst that can be said of Stuart is, that he was a violent satyrst, and stopped at nothing to pull down a man whom he considered as a chief advocate for absolute power in this country and nation, whilst at the same time he continued the integrity of his political creed.⁵⁰

⁴⁹ A summary of the injustice of borough politics is found in the article 'Scots Reform' (I, 183-91). The ideas expressed in it may have been similar to those in Stuart's unlocated 1777 pamphlet and history of Edinburgh.

⁵⁰ GM, 56 (Oct. 1786), 906. Buchan continued: 'How disagreeable is it to remember, that the good-natured Hume, whose classic works will be read after the memory of these little men, who abused his friendship, shall be completely washed away by the tide of time, was at the head of this despicable club?'

The view of Stuart as an ideologically consistent commentator has been overshadowed by the violence of his attacks. Clearly, there were contradictions. The dedication of Sullivan's Lectures to Lord North is one example. But an analysis of Stuart's views clarifies, in Dickinson's words, 'the vital connection between political rhetoric and political reality'.⁵¹ Stuart's liberalism, like his controversialism, was actuated by the oppositional role in which he was placed. The manner in which his views were expressed became more extreme as he came to realise the futility of surmounting his opponents. This realisation hurried him to an early death.

9.4. Stuart's Death

By the beginning of 1786, Stuart's health began to deteriorate. His constitution was strong but he took little care of himself. Years of excessive drinking had undermined his health and brought upon the jaundice, asthma, and dropsy. In March, John Murray warned his father of the danger to which the illness would lead if not attended to. Murray hesitated to confront Stuart about his declining condition, fearful that it might worsen the situation. He therefore sought to employ more subtle paternal influence.

When Stuart was healthy, he could readily support himself as a writer. Illness, however, prevented him from working and debts began to mount. He was cared for with maternal regard by his landlady, Mrs. Wait; but even she inquired to Murray concerning arrears in the rent.⁵²

⁵¹ Liberty and Property, 2.

⁵² In a letter from Murray to George Stuart, 14 March 1786. MC.

Reports on Stuart's poor condition came to Scotland from other sources. John Logan remarked to Alexander Carlyle on 4 March 1786 that 'Gilbert has been at the gates of death, but is getting better'.⁵³ The improvement was only temporary. Stuart seemed to be unaware of the seriousness of his condition, though he was in considerable pain and very irritable. Murray presented the following account to George Stuart begging the assurance that his communication would be treated in confidence as it 'might ruffle his temper & hurt him':

I can no longer refrain from advising you that your son is in a very bad state of health.... Upon the average he has not enjoyed six hours sleep these ten days from the asthma; his colour is gone, his legs are swelled; he is much emaciated; water is suspected to have got into his chest, and what puzzles his attendants is a sudden pain or violent stitch in his side.... Every body that sees him thinks him in danger but himself. But he talks of going abroad every day & suspects nothing to be amiss.⁵⁴

Stuart's mind apparently was affected by his confinement and illness. He grew short-tempered and more and more unreceptive to advice from those who had his interest at heart. The notion of his own death was not something that could be borne with ease. Self-conscious about the burden he was becoming, he was also 'afraid of offending by officious [sic] smells'.⁵⁵

Murray suggested that Stuart's parents come immediately to London. He believed their 'joint authority might perhaps save a life that is precious to his friends'.⁵⁶ In the meantime, it was thought that the fresher air of Hampstead

⁵³ EUL: La. II. 419/7.

⁵⁴ 14 March 1786. MC.

⁵⁵ Ibid..

⁵⁶ Murray to George Stuart, 24 April 1786. MC.

would be beneficial. He was transported there at the end of April, but showed little improvement. Latterly, it was Murray's wish that Stuart return to his parents' home. Perhaps, under the care of his mother, he might regain his health: 'This & this only would insure his recovery were it possible'.⁵⁷

In the August, Stuart boarded a ship for Scotland, accompanied by William Thomson. Murray, who was often by his bedside in London, was not able to bid him farewell and thus wrote in haste fearful that Stuart might die before receiving his final communication: 'This is not a letter of news', he wrote, 'but of solicitous enquiry after you'. He asked Stuart to reply, adding, 'you will greatly oblige a man who since the commencement of our acquaintance always had your reputation and real welfare at heart'.⁵⁸ Stuart may have received this note, but did not respond. He had written a great deal in his short life but would write no more.

As the ship entered the Firth of Forth, the gamboling of the seals in the waters captivated Stuart's attention, and he inquired of a crewman of what their diet consisted. 'Salmon and salt water' he was answered. To this Stuart replied, 'very good meat but very bad drink'.⁵⁹ Humour had not left him, though his health was rapidly deteriorating. Once settled into his parents' home, a surgeon attended to him. To relieve the painful swelling of his body he was 'tapped' at the abdomen. Following this procedure, Stuart insisted that the acidic fluid drained from his body be bottled and 'sent to Principal Robertson to

⁵⁷ Murray to Smellie, 22 April 1786. MC.

⁵⁸ 5 Aug. 1786. MC.

⁵⁹ Annual Biography for 1818, II, 101 and 110. In an article on William Thomson.

use as a purge'.⁶⁰ These were his last recorded words. On 12 August, he died at the age of forty-two.

Murray was shaken by the death. Passing the news on to John Millar, he remarked on an important characteristic of Stuart's personality:

You have lost a friend in D^r. Stuart, indeed he was the greatest enemy to himself. He could not endure to be thought subject to human infirmities; he was confident to the last in his constitution; and this confidence killed him, for he would take not care of himself.⁶¹

Murray also sent condolences to Stuart's parents, at the same time settling various financial obligations. More than anyone, George Stuart had been instrumental in developing his son's native talent. Stuart's literary successes, even if tempered by rancour, were a source of immense paternal pride. For this reason, he felt this death more sensibly than any other. Hours after the event, he wrote to the Earl of Buchan:

The fatal hour is now come. That masterly hand, which could paint beauty & deformity, virtue and vice in so lively & durable colours, is now languished[?] and will fill the canvas no more. To lose a child...is something to a feeling mind, but to lose a man of such talents – of such hopes – is a Stroke even to one who knows his duty, too severe for the frailty of human nature to bear.⁶²

⁶⁰ Smellie, II, 2.

⁶¹ 7 Sept. 1786, MC. A similar remark was made of Stuart's friend, Dr. John Brown: 'The greatest enemy to John Brown was evidently John Brown himself'. (In the Life of William Cullen, II, 714).

⁶² EUL: MSS Dc. 1. 24, f. 15. Buchan copied this letter (f. 14) and on the recto added: 'He was interred in the Church yard of Inveresk where a stone ought to commemorate his talents. I witnessed the funeral of the extraordinary Man'. A search at Inveresk has not revealed the marker. George Stuart lived seven more years, during which time 'other domestic calamities, particularly the death of an excellent wife, left him disconsolate and forlorn'. He died in his seventy-ninth year. GM, 63 (July 1793), 672.

Death notices, with accounts of Stuart's life, appeared in many of Britain's leading magazines and newspapers. The Gentleman's Magazine concluded their obituary:

He was a boon companion; and, with a constitution that might have stood the shock of ages, he has fallen premature, a martyr to intemperance; it being generally imagined that he owed the malady which occasioned his dissolution to the too frequent potations he indulged in of the Burton ale'.⁶³

A Latin inscription commemorating Stuart was written by George Little. It appeared in various newspapers and periodicals after Stuart's death.

M. S.
 Gilberti Stuart L.L.D.
 Illum, ad Elysias accendentem
 Lento risu accepit
 MARIA suorum et dirae ELISABETHAE
 Victima.
 Illum SCOTIAE Reges a paupertate
 Proceres perpetuo perduellione
 Vindicantem.
 FERGUSUIUS, VALESIIUS, BRUTUS.
 Et magna Heroum cohors,
 Laetis amplexibus acceperunt,
 In ejus pagina Princeps oratorum
 Stylum suum agnovit et collaudabat.
 Illum filium perdilectum,
 Expolitum, scientia sua imbutum.
 Flevit Erato
 Non omnis mortuus; melior pars superest
 Et fama per ora virum volitabit,
 Dum hicce orbis ultricibus flammis

⁶³ GM, 56 (Aug. 1786), 716.

Expiret.⁶⁴

9.5. Conclusion

When writing the biography of a neglected figure like Gilbert Stuart, there is a danger of exaggerating his importance and therefore of attempting to compare him with more important contemporaries. Without doubt, Stuart remains a lesser figure of the Scottish Enlightenment. He held a higher opinion of himself as a writer than was justified and this arrogance acted negatively upon his reputation while he was alive and afterwards. Stuart's remark to Murray, that 'for one Robertson or Hume we have ten thousand Henrys and McQueens', clarifies the boundaries he placed between men who were truly enlightened and others who merely wrote in their shadow. Modern scholars also distinguish between the leading literati of the Scottish Enlightenment and those like Stuart in whom interest is relative to others.

At the conclusion of the Calamities of Authors article on Stuart, D'Israeli noted that 'Robertson, Blair, and Kaimes, with others he assailed, have all taken their due ranks in public esteem. What niche', he asked, 'does Stuart occupy?' D'Israeli consigned Stuart to 'an obscure corner of a Burton

⁶⁴ EUL: Dc. 1. 24 (15) and GM, 56 (Sept. 1786), 808. It translates: Mary, victim of her own country and of the savage Elizabeth welcomed him [Stuart] with a blithe laugh, coming to the Elysian fields. Fergus, Wallace, and Bruce, and a great band of heroes, welcomed him with joyous embraces, he who defended the kings of Scotland from the charge of poverty and the clan chiefs from the charge of eternal treason. [particularly in the Observations] The chief of orators [Cicero] recognised his own style in Gilbert's writing and was eulogising him. The Muse Erato, wept for her much loved son who was refined and imbued with her wisdom. He is not completely dead; the better part survives, and his fame will fly by the faces of men until the world breathes its last in the avenging flame.

ale-house'.⁶⁵ But what niche *should* he occupy? Until a greater number of his contemporaries are studied in detail, the question cannot be properly answered. However, on the basis of a complete picture of Stuart presented in this thesis, he arguably might be regarded on a level near to that of John Millar. This may seem incongruous in the light of Millar's high reputation among Enlightenment scholars, which, if anything, has improved as scholarship has progressed. Clearly, his writings are important. Yet he has been, it would seem, rather more regarded than researched. It may be useful, therefore, to examine properly Millar's contribution in a biographical as well as thematic context. There is a place in the study of the Enlightenment for a type of investigation which moves freely between the social and literary aspects of an individual. For the indisputable geniuses, the minor figures, and the uncategorised, such studies can be (to borrow a popular eighteenth-century phrase) both instructive and entertaining.

No one would propose to view the Scottish Enlightenment entirely from the perspective of Stuart's life and works, or think that in doing so the wider culture in which he lived could be fully understood. With men of the stature of Hume and Boswell such a prospect is more feasible: Hume because of the importance of his intellectual contribution; Boswell because of his incomparable record of observations on his society. At the same time, minor figures also show how the ideas and attitudes of better known men were more generally shared and perhaps less original than has been assumed. As more is learned about these individuals, the indisputable geniuses will be likewise be better understood. Although a study of Stuart does not require that scholars

⁶⁵ D'Israeli, 138-9.

reconceive their understanding of the Scottish Enlightenment, it does add a further dimension to the period. When studies of other figures, including those who rebelled against the establishment, are undertaken, a seemingly forgotten side of this varied and not easily definable culture will be revealed.

Current scholarship emphasises the virtue (in a civic sense) and politeness (in a moral sense) of the culture in which Stuart lived. Yet he did not subscribe in the same manner or in such a degree to these values. For one, it was not in his nature to do so; for another, external conditions limited the opportunity to be virtuous or polite. In other respects, particularly in his writings, he clearly shared many of the same sets of intellectual and cultural ideas of his contemporaries, though he often applied them differently. These distinctive applications, expressed in historical, critical, and political discourse, set Stuart in contrast to the received picture of the Scottish Enlightenment and suggest the need perhaps to reconsider its nature and significance. Judgements which exclude Stuart from the Enlightenment should be reconsidered. It would be a mistake to dismiss him just because many of his contemporaries did. The inaccurate view of Stuart as a non-Enlightenment (or unenlightened) figure stems from current conceptions of the Enlightenment which may be too narrow in scope. In Edinburgh, there was an elite social and intellectual circle whose activities and writings form an important part of the Scottish Enlightenment. But it in no way detracts from their contribution to supplement an account of the period by considering those more to the periphery.

Similarly, the current debates over when the Scottish Enlightenment began and ended may be more fruitfully considered in the light of Stuart and other little-studied figures. For example, the influence which Pitcairne and his

generation had on Stuart might clarify the sources which define the period. At the other end, Stuart's attempts to undermine the leaders of the Edinburgh establishment may help scholars to mark the decline of the Enlightenment in Scotland, or the manner in which it was reconceived in the years after his death.

Appendix 1

STUART'S WORKS: A BIBLIOGRAPHIC CHECKLIST

1. An Historical Dissertation concerning the Antiquity of the English Constitution.

Edinburgh: Printed for A. Kincaid & J. Bell; and for W. Sanby, J. Dodsley, E. Dilly, and T. Cadell, London. MDCCLXVIII.

8^{vo}: a² b⁴ A-2N⁴ 2O². Pp. i-xii, 1-292.

1.2. Second Edition Corrected (London: Printed for T. Cadell, Successor to Mr. Millar; and A. Kincaid and J. Bell, Edinburgh, 1770.)

8^{vo}: A-T⁸ U². Pp. i-xvi, 1-292.

1.3. Second Edition Corrected (London: Printed for T. Cadell; and A. Kincaid and W. Creech, Edinburgh, 1771. [Same signature and pagination as 1.2].

1.4. Historische Abhandlung von dem Alterthum der Englischen Staatsverfassung, Von Gilbert Stuart L.L.D. Nach der zweiten Englischen Ausgabe übersetzt. (Lübeck: 1779. bey Christian Gottfried Donatius.)

8^{vo}: A-Q⁸. Pp. i-viii, 1-246.

1.5. Dissertation Historique sur L'Ancienne Constitution des Germains, Saxons, et Habitans de la Grande-Bretagne; Ouvrage contenant des Recherches sur l'ancienneté des Jurés & des Délibérations des Communes: Traduite de seu Gilbert Stuart; Par A. M. H. B.[Boulard] (Paris, Chez Maradan, Libraire, rue du Cimetière- Saint - André, n^o. 9. An. 2, 4^e mois, (vieux style 1794.))

8^{vo}: A-Q⁸. Pp. [1]-[4], 1-254.

2. Animadversions on Mr Adam's Latin and English Grammar; Being an Exhibition of its Defects; and an Illustration of the Danger of introducing it into Schools.

By John Richard Busby, Master of Arts. Printed in the Year MDCCLXXIII. And Sold by all the Booksellers of Edinburgh and Scotland.

8^{vo}: π¹ A-F⁴ χ⁴ H⁴ (-H4). Pp. 1-54.

3. An Address to the Citizens of Edinburgh, Relative to the Management of George Heriot's Hospital.

Printed in the Year M,DCC,LXXIII.

8^{vo}: A-B⁴ C². Pp. 1-20.

3.2. Second edition under the new title: Considerations on the Management of George Heriot's Hospital. Dedicated to the Most Impudent Man Alive. Edinburgh: Printed for C. Elliot; and Cadell, Dodsley, and Murray, London. Price One Shilling [1774].

small 2^o: A² B-E². Pp. i-v, 1-20.

4. 'A Discourse concerning the Laws and Government of England'.

in Lectures on the Constitution and Laws of England: with a Commentary on Magna Charta, and Illustrations of Many of the English Statutes. by the Late Francis Stoughton Sullivan, LL.D. Royal Professor of Common Law in the University of Dublin. The Second Edition. To which authorities are added, and a Discourse is prefixed, concerning Laws and Government of England. By Gilbert Stuart, LL.D. London: Printed for Edward and Charles Dilly in the Poultry; and Joseph Johnson in St. Paul's Church-yard. M,DCC,LXXVI.

4^{to}: a⁴ b⁴ 2a-2d⁴ A-3F⁴. Pp. i-xvi, i-xxxii, 1-416.

4.2. First American Edition of Sullivan's Lectures, 2 volumes, including Stuart's 'Discourse' (Portland, Maine: Printed by Thomas B. Wait and Co., 1805).

5. 'A Short Account of the Life and Writings of Mr Gray'.

in Poems by Mr. Gray. A New Edition. London: Printed for J. Murray. No. 32. Fleet Street and C. Elliot, Edinburgh MDCCLXXVI.

8^{vo}: π⁴ A-S⁴. Pp. [1-2], i-xviii, 19-146.

5.2. A New Edition (London: Printed for J. Murray, 1778).

5.3. A New Edition (London: Printed for J. Murray, 1786).

5.4. (London: Murray, 1790).

5.5. (Parma: Printed by Bodoni, 1793).

6. A View of Society in Europe, in its Progress from Rudeness to Refinement: or, Inquiries concerning the History of Law, Government, and Manners. By Gilbert Stuart, LL.D.

Edinburgh: Printed for John Bell; and J. Murray London. M,DCC,LXXVIII.

4^{to}: $a-b^4 \chi^2 A-3H^4 \chi^2$. Pp. i-xx, 1-436.

6.2. Dublin Edition (Dublin: W. Whitestone, W. Colles, J. Hoey, W. Wilson, J. Williams, T. Walker, C. Jenkin, L. L. Flin, G. Burnet, L. White, J. Beatty, and J. Exshaw, 1778).

8^{vo}: $A^8 (-A2, A1 + 1) 2F^8$. P. [1]-[2], i-xvi, 1-446.

6.3. Gilbert Stuarts Abriss des gesellschaftlichen Zustandes in Europa, in seinem Fortgange von Rohigkeit zu Ferfeinerung. Oder Untersuchungen, die Geschichte der Gesetze, der Regierungsform, und der Sitten betreffend. Aus dem Englischen übersetzt, und mit einigen Anmerkungen begleitet. Leipzig, bey N. G. Weidmanns, Erben und Reich. 1779 [Translated by Christian Friedrich von Blankenburg].

8^{vo}: $\pi^8 A-2C^8 (-2C8)$. Pp. i-xvi, 1-414.

6.4. The Second Edition (London: Printed for J. Murray, 1782) [some copies are dated 1783]. Same collation and pagination as first edition.

6.5. Tableau des Progrès de la Société en Europe, Traduit de l'Anglois de Gilbert Stuart. Ouvrage contenant des Recherches sur l'Origine des Gouvernemens, les Variations des Moeurs, & du Systême Féodal. Tome Premier. (Paris: Chez Maradan, Libraire, Hôtel de Château-vieux, rue Saint André- des-Arcs. M.DCC.LXXXIX. Avec Approbation et Privilège du Roi.)

Tome Premier. 8^{vo}: $\pi^2 a^8 A-R^8 S^4$. Pp. [1]-[4], i-xvi, 1-280.

Tome Second. 8^{vo}: $\pi^4 A-M^8 N^4$. Pp. [1]-[8], 1-200.

6.6. Second Scottish Edition (Edinburgh: Printed by J. Robertson, 1792). This edition includes a letter to Stuart from William Blackstone and two other letters. The Latin and French notes have been translated into English.

8^{vo}: $a^4 \chi^2 A-3I^4 \chi^4$. Pp. i-viii, i-vi, 1-448.

6.7. A New Edition (Basil: Printed and sold by J. J. Tourneisen, 1797).

8^{vo}: $a^6 B-V^8 X^4 Y^2$. Pp. i-xii, 1-316.

6.8. Another Edition (London: Printed for Longman, Hurst, Rees, Orme, and Brown; and for Bell & Bradfute, Edinburgh, 1813).

8^{vo}: $\pi^8 A-Y^8$. Pp. i-xvi, 1-352.

7. **Observations concerning the Public Law, and the Constitutional History of Scotland: with Occasional Remarks concerning English Antiquity.**

By Gilbert Stuart, LL.D. Edinburgh: Printed for William Creech; and John Murray, London. MDCCLXXIX.

8^{vo}: $a^8 b^4 A-2A^8 2B^4 2C^4$. Pp. i-xxiv, 1-400.

- 7.2. A Second Edition (London: Printed for J. Murray and G. Robertson, 1784). Appended to the second edition of the History of Scotland, Vol. II, Appendix I. (see below).

8. Character of a certain Popular Historian, Now Ministerial Agent, for Reconciling our Complaisant Clergy to the Church of Rome.

From the Writings of a Celebrated Philosopher, Now Deceased.]

A single leaf (folio size) broadsheet.

9. The History of the Establishment of the Reformation of Religion in Scotland.

By Gilbert Stuart, LL.D. London, Printed for J. Murray, N^o. 32 Fleet-Street; and J. Bell at Edinburgh. MDCCLXXX.

- 4^{to}: A⁴ B-2L⁴ χ^2 . Portrait of Gilbert Stuart, aetat 35 by John Donaldson, engraved by J.K. Sherwin: London 1st March 1780 'published as the Act Directs by Murray N^o 32 Fleet Street; Pp. i- viii, 1-268.

- 9.2. Gilbert Stuarts Doctors der Rechte und Mitglieds der Gesellschaft der Alterthumsforscher in Edinburg. Geschichte der Reformation in Schottland. Aus dem Englischen. Altenburg, in der Richterschen Buchhandlung: 1786 [Translated by Leopold Ludwig Wilhelm Brunn].

8^{vo}: χ^1 a² b⁴ χ^1 A-P⁸ Q² a-d⁸ e⁶. Pp. [1]-[16], 1-129

- 9.3. A New Edition (Edinburgh: Printed by Robert Allan, 1805).

8^{vo}: Portrait of Gilbert Stuart; π^2 A-3D⁴ 3E². Pp. [1]-[4], 1-viii, 1-396.

- 9.4. A New Edition (Greenock: Printed for William Scott, 1810).

[Same as 9.3.]

10. The History of Scotland from the Establishment of the Reformation, till the Death of Queen Mary.

By Gilbert Stuart, Doctor of Laws, and Member of the Society of Antiquaries at Edinburgh. In Two Volumes. Vol. I. London, Printed for J. Murray, N^o. 32 Fleet-Street. MDCCLXXXII.

Vol. I. 4^{to}: π^2 a⁴ B-3L⁴. Pp. i-xiix, 1-448.

Vol. II. 4^{to}: π a⁴ B-3E⁴ χ^1 . Pp. i-x, 1-410.

- 10.2. A New Edition: 2 volumes (London: Printed for C. Dilly, 1782).

Vol. I. 8^{vo}: π^2 A-2H⁸ I⁶ (-I6). ['A' signed lower case] Pp. i-xx, 1-490.

Vol. II. 8^{vo}: A-2F⁸. Pp. i-xvi, 1-448.

10.3. Dublin edition (Dublin: Printed for W. Gilbert, T. Walker, J. Beatty, R. Burton, J. Exshaw, P. Byrne, & J. Cash, 1782) [Same collation as 8.2].

10.4. Second Edition, 2 volumes. To which are appended the Observations concerning the Public Law and the Constitution of Scotland, and three letters: 1. Stuart to James Cummyng; 2. Stuart to the Earl of Buchan; 3. Buchan to the Public. (London: Printed for J. Murray and G. Robinson, vol. I, 1783; vol. II, 1784) [In some copies volume I is dated 1784.].

Vol. I. 8^{vo}: A⁸ a⁴ B-2G⁸ 2H⁴ 2I². Pp. Portrait of Mary Queen of Scots by John Donaldson, engraved by I. K. Sherwin, 'taken from a Silver Coin dated 1561; 'Published 1st April 1783 by J. Murray N.º 32 Fleet street, & G. Robinson Pater noster Row. [In the copies of Vol. 1 dated 1784 a new engraving by C. Grignon of the same image was exchanged. It faces to the left.]; i-xxiv, 1-476.

Vol. II. 8^{vo}: π¹ B-U⁸ X⁴ 2A-2M⁸. Pp.i-ii, 1-312, i-iv, 1-192.

11. Critical Observations concerning the Scottish Historians Hume, Stuart, and Robertson: including an Idea of the Reign of Mary Queen of Scots, as a Portion of History; Specimens of the Histories of this Princess, by Dr. Stuart and Dr. Robertson; and A comparative View of the Merits of these Rival Historians: with A Literary Picture of Dr. Robertson, In a contrasted Opposition with the celebrated Mr. Hume.

London: Printed for T. Evans, Pater- Noster-Row. MDCCLXXXII.

8^{vo}: π¹ A-C⁸ D⁴ (-D4). Pp. i-ii, 1-54.

EDITED WORKS

1. Volume IV of The Roman History, from the building of Rome to the ruin of the Commonwealth by the late Nathaniel Hooke (London: Printed for G. Hawkins, W. Strahan, J. and F. Rivington, W. Johnson, T. Longman, T. Cadell, and R. Baldwin, 1771).

2. A History of the Island of Man; from the Earliest Accounts to the Present Time. Compiled from the Public Archives of the Island, and other Authentic Materials by the late Mr. Rolt (London: Printed for W. Nicoll, 1773).

TRANSLATION

The Constitution of England, or an Account of the English Government; in which it is compared with the Republican Form of Government, and occasionally with the other Monarchies in Europe. By J. L. De Lolme. Advocate, Citizen of Geneva. (London: Printed by T. Spilsbury, in Cook's Court, Carey Street; and sold by G. Kearsley, in Fleet Street, 1775).

MISCELLANEOUS

An Abridgement of the History of Scotland, from Robertson, Stuart, &c. in the Manner of Goldsmith's Abridgement of the Histories of England, Rome, and Greece (Edinburgh: Printed for T. Brown, 1793).

Another edition, expanded 'from the Death of Alexander III. to the Union of the Kingdoms' (Edinburgh: Printed by C. Stewart, for T. Brown, 1805).

Appendix 2

John Murray to Thomas Ewing, Dublin Bookseller.

'With regard to the original Articles Abridgement is the first that occurs of consequence which I recommend to your perusal. The next is Aether which made a great noise amongst the learned here & put a check to the carrying absurd theorys [sic] any further length. Botany is original in the section relating to the sexes of plants; the arguments advanced by the celebrated Linnaeus are fairly stated & refuted this article is interesting & curious. Agriculture is an useful article partly original Partly compiled. Natural History with the separate articles are treated in a different manner from any other Work of this kind. Besides the Systematic view, I recommend to your perusal the Articles Apis Canis equis Felis eliphaz [sic] &c.

Grammar is original and has annexed to it a new and curious Grammatical table. Dictionary is original and contains a plan for an English Dictionary constructed upon Philosophic principles, a thing never before attempted. Language is original & ingenious. In Chemistry there is a new & useful Chemical table. Smoke is original & Philosophical, and the principles it contains may easily be applied to the curing of smoky chimnies whatever their construction or situation.

With regard to the systems they are all compleat and satisfactory, ma[n]y perhaps moreso than is to be found in any book which treats of them singly; for example Anatomy is amore compleat & better arranged system than any hitherto published.

Midwifry is compleat & valuable. Scots Law compleat & very compendious. Short Hand is well executed & valuable. Most Dictionaries published since Chambers have implicitly copied him in the Articles of Medicine, but Chambers is long ago obsolete & almost useless in these articles; for this reason the Introductory part in the present Dictionary upon that branch is new, and the rest delivered according to the present improved state. It is needless to be more Particular: for it the Encyclopedia Britannica is compared with any other Dictionary either as to the plan or execution the difference will be easily perceiv'd. I shall just mentioned farther that the article Canal gave great satisfaction'.

15 June 1772 [Murray's Copybook]

Appendix 3

Memoirs of the Isle of Man

Chapter I.

THE EARLIER REVOLUTIONS OF THE ISLE OF MAN.
HENRY IV. BESTOWS IT ON SIR JOHN STANLEY. IT DESCENDS
TO THE DUKES OF ATHOL.

The origin & earlier state of principalities & kingdoms are concealed in darkness, & in time. Ignorance of the art of writing, & of the use of numbers make it necessary in rude ages, that the memory of transactions be entrusted to tradition; and, while the bustle & hurry of present occurrences are ready to destroy or impair the remembrance of the past; the love of wonder, & the pride of superior antiquity & greatness disfigure it. But, though the exploits & the history of men, in their more ancient condition, were sufficiently known, they would contribute little to instruction or entertainment. Acting without premeditation or concert; and indulging in disorder & cruelties; the revolutions they undergo would offer nothing to excite attention or inquiry: We should be disgusted with their uniformity; we should be shocked with the atrocious circumstances, with which they would necessarily be accompanied.

The Isle of Man was anciently possessed by a Colony from Britain, & exhibited that uncultivated state, which history ascribes to our progenitors before the invasion of the Romans. It attracted not the attention & knew not the civility, which followed the conquests of that enlightened enemy. The institutions of the Druids, so remarkable for their political as well as religious

influence kept them in subjection & obedience.

But, while every country in Europe was experiencing frequent & destructive ravages, this Principality remained not unattended to, or in peace. In the time of Honorius & Arcadius, we find, the Island [?] had changed its masters. A band of Scottish Adventurers had considered it an acquisition worthy of their valour; and, with the ferocity characteristic of rude times, they had exterminated its British possessors.

It was soon after reduced by Edwin king of Northumberland; it was next under the Dominion of the Norwegians, with whom it remained during a considerable period. In this last condition, history has preserved a series of the Princes, who ruled it; but it were to little purpose to trouble our readers with a recital of uninteresting names, & with an enumeration of dates, that point to no memorable events.¹

It again became subject to Scotland; and, it appears to have continued with the Princes of this country, till Edward I. took a concern in its affairs. A Princess of Man, having fled into England, with the archives of the island, implored his protection against the violence of her enemies, It was not, in the nature of the English Monarch to lose an opportunity to aggrandize himself, & his nation. He bestowed her in marriage to Sir William Montacute, whom he assisted to recover her rights. But the gallant nobleman, whom an ancient writer describes as the brightest star in the Firmament of England, having involved himself by his generosity & profusion in immense debt, retained not long his principality. It passed in mortgage for seven years to Antony Beckford,

¹ See Appendix, No. I. [not extant]

[?] bishop of Durham; and this crafty & avaricious prelate, after he had taken possession of it, had the influence to obtain from Edward II. a grant of it during his life. It went then successively, in virtue of capricious donations to Piers Gavaston, & to other favourites of that feeble prince. In the reign of Richard II. it had devolved to William Montacute, earl of Salisbury, the Great, Grandson of Sir William Montacute, its first prince of the English blood; and by him, it was sold to Sir William Scrope, afterwards, earl of Wiltshire.

This ambitious & unprincipled nobleman, having seduced Richard from the interest of his people, perished in his ruin. On his execution & attainder, the Principality returned to the crown; and Henry IV. bestowed it on Henry Percy, earl of Northumberland; who, elated with his power, & forgetting the duties of a subject, rebelled against the prince, whom he had established on the throne. He was, in consequence, subjected to an attainder; but was afterwards restored to all his lands & dignities; the isle of Man only excepted, which was granted to Sir John Stanley.

The family of Stanley loses itself in the obscurity of the Saxon times. The brave & virtuous have a title to aspire after honours. Sir John Stanley had distinguished himself under Edward III. at the battle of Poitiers; he had achieved many acts of prowess; and, in an age, when the spirit of Chivalry was carried to the greatest heights, he was respected as a most valorous & accomplished knight. Under Richard II. he was invested with a commission to assist in the reduction of Ireland; and the task entrusted to him, he performed with success. Henry IV. who knew his merit, was ambitious to reward it. But amidst the grants he conferred on him, the most considerable, doubtless, was the isle of Man, which he first presented to him during life; but which, he afterwards, in the seventh year of his reign, conveyed to him & his heirs

forever. No grant could be more unbounded; it included whatever was the object of prerogative or of revenue.

In his Principality & merits, he was succeeded, by his son, Sir John Stanley; who, at an early period of life, was made steward of the household to Henry VI; and, who afterwards was promoted to be constable of Carnarvon castle; a place, at that time, of high trust & importance. Some disturbances, having happened in his kingdom, this nobleman was induced to pay it a visit; and, assembling his subjects, he laid before them, a system of Laws, which he had framed for their security. On his leaving the island, he appointed John Letherland Esq; a gentle man of Lancashire, to preside over it.

The succession at his death, opened to his son, Sir Thomas Stanley; who enjoyed many distinguished dignities. In the ninth year of Henry VI. he was constituted Lieutenant of Ireland for the space of six years; in the twenty seventh, he was in the commission with those who treated with the Scots for a truce; and in the twenty eight, he was appointed in conjunction with James earl of Wiltshire & other eminent persons to undertake the custody & defence of the town & castle of Calais; with the marches adjacent, & the tower of Risefank.[?]

His son & successor, Sir Thomas Stanley was summoned to Parliament by the title of Baron Stanley of Latham in the first year of Edward IV: and, in the fourteenth, at which time, he exercised the office of Chamberlain of the King's household, he was retained by Indenture to serve in the wars against France, with forty men at arms, & three hundred archers. Some years after, when Richard Duke of Gloucester was sent with an army into Scotland, he commanded the right wing, which consisted of four thousand men, & took Berwick by assault. The loyalty he had testified for Edward IV he preserved for

his successor; and, on this account, the Duke of Gloucester, afterwards Richard III. was disposed to remove so powerful an obstacle to his ambitious designs. When at a council held in the Tower, the Lord Hastings by command of the Duke was carried off[f] and beheaded; a soldier aimed a blow with a halbert at Sir Thomas Stanley, which, he, with difficulty, avioded. Having married for his second wife, the mother of Henry earl of Richmond, afterwards King of England, under the title of Henry VII. he would not but be suspected of being an enemy to the usurpation of Duke Richard. He was commanded, accordingly, to dismiss all the servants of his wife; and to send no message to, & to receive none from her son; and, when he desired to retire into the country, it was notified to him, that he could not have that liberty, unless, he delivered up, George Lord Strange his son & heir, as a hostage & security for his behaviour.

The earl of Richmond, having received some troops from Charles VIII. of France, set out from Harfleud (?) in Normandy, with a retinue of two thousand men. He disembarked on the coast of Wales, where he was reinforced by a considerable body of English troops; and, as he advanced towards Leicester, he was openly joined by Sir Thomas Stanley. Richard III apprized of his defection, threatened, if he repaired not to his presence, to put his son to death. His officers, however, remarking to him his own dangerous situation, he respited the Lord Strange; and the two armies, encountering at Bosworth, a decisive victory was obtained by the earl of Richmond; for which, he was chiefly indebted to the valour of Stanley. The usurper fell in the action, after having given signal proofs of his bravery; and, the crown, which he had that day won, having been found among the spoils, Sir Thomas Stanley set it upon the head of the earl of Richmond, and the cry 'Long live Henry VII' resounded from every quarter of the field of battle. His services did not pass unrewarded. He was advanced by Henry to the dignity of an earl, by the title of

earl of Derby; and, he was constituted one of the commissioners for exercising the office of Lord high Steward of England on the day of his more solemn coronation. He was soon after, made a privy-counsellor, & appointed to the high office of constable of England during life.

The Principality of Man, with the earldom of Derby, devolved, on his demise, to his grandson, Thomas Lord Stanley, the descendant of George Lord Strange. This gallant nobleman accompanied Henry VIII. in his important expedition against France, in which he obtained the 'battle of the spurs'² & reduced Terouanne, & Tournay; and, when the Emperor Charles V came to England to pay a visit to Henry, he rode between the rival princes from Dover to Canterbury, bearing the sword of State. He was also, one of the Peers, that assisted at the trial of the Duke of Buckinghame.

The Progenitors of this earl had been distinguished by the appellation of 'Kings of Man'; but having duely considered that this title might prove a source of envy & disquietude, he contented himself with the humbler designation of 'Lord of Man & the Isles'; and, in this moderation & prudence he was imitated by his successors.

His son & heir Edward, earl of Derby was one of the principal persons, who accompanied Cardinal Wolsey in his memorable embassy to Francis I. which the sacking of Rome, & the captivity of Clement VII. had occasioned. Being high in the favour of Henry VIII. he was also, in the number of those peers, who subscribed a Letter to this Pope, requesting him to concur in the

² This action was so called, because the French made more use in it of their spurs, than their swords.

business of that monarch's divorce from queen Catharine, & threatening on his refusal, no longer to acknowledge his supremacy over England.

In that absurd insurrection, known under the name of 'the Pilgrimage of Grace', which was fostered by the Secular Clergy, on the destruction of the monasteries, Henry was indebted to his assistance; and James IV of Scotland, having ventured to entertain some of the rebellious chiefs, this potent & loyal Baron ravaged his dominions, under the Duke of Norfolk, at that time, the commander of the English army. About the beginning of the reign of Edward VI. he was installed knight of the most noble order of the Garter; and, in the first year of the administration of Mary, he was constituted Lord high Steward for the day of her coronation.

His honours & estates descended to his eldest son, Henry earl of Derby; who was summoned to Parliament in the eighteenth year of Elizabeth's and who married Elenor daughter of Clifford earl of Cumberland, grand daughter to Mary Queen dowager of France & great grand daughter to Henry VII. by whom he had two sons Ferdinand & William. In the twenty eighth of Elizabeth he was deputed to carry the ensigns of the order of the Garter to the king of France; in the twenty ninth, he was one of the Peers, who sent into Flanders to treat of peace, with the Prince of Parma, commander there of the forces of Spain; and, in the thirty second, he was constituted Lord high Steward of England, upon the trial of Philip, earl of Arundel.

This earl, notwithstanding the multiplicity of his concerns, found leisure to visit his principality of Man; and, entering into inquiries concerning its condition & government, consulted the prosperity of its Inhabitants. On his return to England, he retired to his seat at Latham; and lived for himself, after having lived for society.

Ferdinand, his son & heir, did not survive him long. He fell in the flower of his age, & not without the suspicion of poison. He left only female issue; and a dispute arose between these, & his brother William, concerning the title to the Isle of Man, & to other estates. The charge, meanwhile, of the principality was committed by queen Elizabeth to Sir Thomas Gerard, afterwards Lord Gerard. The proceedings at Law were tedious; but at length, the daughters of Ferdinand earl of Derby, on the consideration of a sum of money paid to them, renounced their claims; and the succession opening without exception to William earl of Derby, he obtained from James VI. in the seventh year of his reign a confirmation of his rights. In the same year, also, an act of Parliament passed, of which it was the object, anxiously to prevent any future encroachment to the prejudice of the noble proprietors.³

To William earl of Derby succeeded his son James Lord Stanley & Strange; a personage who united literature with valour, & loyalty with prudence. It was his fate to live in the turbulent but instructive time of Charles I. That

³ This act is intitled, 'An act for the assuring & establishing the Isle of Man; by which it was enacted, That the use should for ever thereafter be held & enjoyed by the earl & the countess his wife, & their two sons, James Lord Stanley & Robert Stanley, intail male, & the heir male of the body of the earl; and in default of such issue, by the right heirs of James Lord Stanley, quietly, freely, & clearly against his Majesty, his Heirs & Successors. under the other persons named in the act, the co-heiresses of Ferdinand earl of Derby -- with a restraint of alienation upon the several persons to take under the act. The Grant as described both in the letters patent & act of Parliament, is made in the most general & comprehensive terms -- It is -- The Isle, Castle, Peele, & Lordship of Man, with the appurtenances. And all Islands, lordships, castles, &c thereto belonging-- The Patronage of the Bishoprick -- all forests, parks, &c. Fisheries, fishing-places, Royalities, Regalities, Franchises, Sea-ports, & all things to parts duely appertaining, lands then or theretofore overflown with the sea & then gained from, y^e sea, on which should be thereafter gained from the sea, lying or going in or near the said Isle of Man, fines, americiaments, anchorage, groundage, wrecks of the sea, escheats, forfeitures. Courts admiral, courts per morte, &c & all forfeitures, penalties, casualities, & advantages whatever incident to ye said courts-- Tolls customs, free customs, Imports, Profits, Emoluments, & Hereditaments whatsoever, being or happening in or within the said isle, Castle, Peele, & Lordship, or within the seat to the said Island adjacent or belonging, or in or within any other island, Lordships, or lands belonging, to, or in, or out of the same, or any of them, howsoever incident or belonging, or part or parcel of the same, at any time theretofore held, known, reputed, occupied, or enjoyed, and the reversion of all the premises, & the rents duties customs, & services thereto incident or appertaining; and all liberties, Franchises, Privileges, Jurisdictions, forfeitures, Depredaries, Immunities, &c. And the general saving clause expressly bars all right of the Crown.

imprudent prince, intent on exercising a prerogative, to which he had no title by the Laws, involved his country in the calamities of civil war. The Nobility, the natural guardians of the throne, were ready to bury themselves under its ruins. No peer of that age was more attached to his sovereign than James earl of Derby. When Charles retired to York, he was among the first that repaired to him; and, upon a resolution being formed to set up the royal standard at Warrington, he mustered the whole force of Lancashire; and was preparing to call out the strength of Cheshire & North-Wales, when the favourites of that prince, from jealousy of his power & talents, disposed him to take the improvident measure of fixing his standard at Nottingham. Here, the royal army receiving not the expected reinforcements; Charles, sensible of the error he had committed, intreated the earl of Derby by special Letters to raise what troops he could, & to hasten to him. But, by this time, many gentlemen in those parts, where the earl had been commissioned to act as Lord Lieutenant were resolved to remain in neutrality, while others had joined the interest of the parliament, & had seized on Manchester.

He was able, notwithstanding, by his influence, to levy three regiments of foot & three troops of horse; and, having cloathed & equipped them at his own expence, he posted to the King, who was now at Shrewsbury. But it being judged, of consequence, that Charles should not leave behind him a nursery of rebellion at Manchester, he employed the earl of Derby to lead the force he had collected, to the reduction of that town. The earl summoned the place to surrender, and, on its refusal, was preparing to carry it by assault; when the King, in danger from the earl of Essex, who was marching to attack him at the head of the Parliamentary forces, called him & his troops to repair to his camp. In two days, he presented himself, & his soldiers before Charles; whose facility of temper, yielding to the malicious misrepresentations of the

enemies of this loyal noble; he allowed himself to entertain prejudices to his disadvantage; and, on the frivolous pretence, that his presence was necessary in Lancashire, to attend there to the motions of the rebels to prevent their increase he deprived him of the command of a division of men whom he had raised by his private influence, & had hitherto supported out of his fortune private. This indignity put upon him did not shake his virtue: it was in vain, that the parliamentary party employed, in consequence of it, magnificent offers to bribe him from what he conceived to be his duty. 'When I return traitor,' said he, 'I may hearken to these proposals; but till that happen, if I hear more of them, it shall be at the peril of the person who brings them'.

The enemy had now thrown garrisons into Lancaster & Preston; and all the country around was, in a manner, subject to their power. The earl of Derby, without magazines, troops, or arms was in no condition to oppose them. Pushed to extremity, he found, that he must fortify himself in his castle at Latham; and his genius, supplying him with resources, he was able, in the short space of a month, to provide ammunition, to raise a troop of horse, & two companies of foot. Meanwhile three detachments of the enemy had advanced to Houghton - Common, within six miles of his seat. He marched out against them, & after an obstinate engagement, victory declared for him. This success, which was unexpected, adding to his reputation, his little Brigade receiving daily supplies. It was not long before he was in a state to turn his arms against Lancaster. It refused to capitulate, & received with vigour his first assault; but leading on his troops, with an impetuous valour to a second charge, he entered the town, & demolished its fortifications. A few days after, he marched against Preston, which he attacked from three different quarters. It was difficult to resist his skill, & the ardour of his soldiers. Six hundred of the enemy were killed, & the rest made prisoners. He now proposed to lead his

little army, flushed with success, against Manchester; and he had begun his march for this purpose, when a royal mandate called his troops to Oxford.

His zeal & his activity did not yet forsake him. But, while he was meditating new contrivances, to serve the cause, in which he had embarked, an express from Charles informed him, that his enemies had occasioned commotions in the Isle of Man. It was not however, till he received explicit orders to act in defence of his Principality, that this gallant nobleman could be prevailed upon to leave England. It seemed to him, that he was about to desert his King, & his country. Before his departure, he collected supplies of provision & of soldiers, for the use & protection of his Countess at Latham-house, to whose charge, he committed his children, & his concerns in England.

During his absence, the enemy found it an easy matter to possess themselves almost entirely of Lancashire; and a commission being procured from Parliament to reduce Latham-house by force, or by treaty; several regiments advanced against it with an uncourteous expedition. Sir Thomas Fairfax, their commander, dispatched a messenger to demand a conference with the countess of Derby; and he was, accordingly, admitted to her, with some Gentlemen of his train; but previously, by advice of Captain Farmer, who acted under her, & who was skilled in the art of war, she had disposed the soldiers of her garrison, in the manner the most calculated to impress an opinion of their number & discipline. He required the delivery of her fortress; but offered to her, with her children & servants a safe retreat in her house at Knowsley,

with the half of her Lord's possessions in England. This woman⁴ worthy of the noble blood from which she was descended, replied to him, that she was under the ties of a double trust; that she owed fidelity to her husband, & allegiance to her sovereign; and that not having it in her power to submit to his proposal, without their consent, it might be expedient & proper, that he allowed her a month, in which to return her answer. He refused her request; & intimated, that his commission permitted him not to give her a longer respite than one day. 'Go then, said she to him, & attack my castle; I am prepared to defend it, & to die to preserve my honour'.

Sir Thomas Fairfax, after deliberating with his officers, gave orders for a formal seige; but being destined to act in other scenes, he entrusted the management of it to Colonel Peter Egerton, as commander, & Major Morgan as engineer. The former, however, after having made several unsuccessful attempts to take the place by storm, was degraded from his command; and it was given to Colonel Rigby, a personal enemy to the earl of Derby, who employed in this service, every hostile invention, which the art of war could suggest to him. But the frequent sallies of the beseiged were a powerful annoyance to him; the spirit of the Countess was not to be subdued; and Latham-house, formidable from the strength of its situation, had received many advantages from art.

The earl of Derby, mean-while had quelled by his presence, the

⁴ Charlotte, daughter to Claude, Duke of Tremouille in France by the Lady Charlotte his wife, daughter to Count William of Nassau, prince of Orange, & Charlotte de Bourbon, his wife: the Dukes of Tremouille, in consequence, and the family of Derby, stand allied to y^e King's of France; to the houses of Bourbon -- Moupensier [?], Bourbon-Conde'; Dukes of Anjou, kings of Naples & Sicily, archdukes of Austria, kings of Spain; early & Dukes of Savoy, Dukes of Millan & other sovereign princes.

disturbances which had arisen in the Isle of Man; and being apprized of the situation of his countess, he made haste to return to England; where having solicited the King for relief, Prince Rupert, who had orders to give assistance to York, at that time invested by the Parliament, was commanded to make his way through Lancashire. But Colonel Rigby was no sooner informed, that he had arrived at Stop-ford bridge, than he raised the seige of Latham-house; and, retiring to Bolton, a parliamentary garrison, his forces were increased from two to three thousand. Prince Rupert, having notice of his motions, advanced to attack Bolton; but was repulsed on his first assault, with the loss of two hundred men. A second charge was proposed; and the earl of Derby, having intreated the Prince, that he might lead the van, which consisted of two companies of his old soldiers, a very desperate action ensued. The Earl was the first to enter the town; and being gallantly seconded, the beseiged gave way in every quarter. The greatest part of the garrison was put to the sword; but Rigby had the address to effect his escape. All the colours taken, were sent by Prince Rupert with a polite attention, to the Countess of Derby at Latham-house; where he did the honour to pay her a visit, after the reduction of Liverpool. During the few days he passed at this celebrated Mansion, he gave directions for repairing & fortifying it; and, at the desire of the Countess, he nominated Edward Rawsthorne to be its governor, & gave him troops for its defence. Before his departure, he gave a farther proof of his respect & attention for this noble family; being well acquainted with the unworthy suspicions, which the ministers of Charles had made him conceive of the loyalty of the Earl of Derby, on the foundation of his power & near alliance to the throne, he intreated him to retire with his family from suspicion & envy to the Isle of Man. The propriety of this advice was obvious; and, the Earl, though he felt the regrets of a good citizen, at forsaking his country, did not hesitate

to comply with it. He was conscious, at the same time, of integrity, & full of that warm indignation, which rises in noble minds, when opposed by the little arts of dishonourable enemies.

The impetuous & rash valour of Prince Rupert, being too powerfully opposed at Marston-moor by the fortune & genius of Cromwel, his defeat brought a body of the enemy, to renew under General Egerton the seige of Latham-house. But the Governor, though vigorously attacked, made obstinate resistance. The utmost efforts were in vain exerted to reduce this fortress. Its defence had been sustained, during two years, & it had lost to the Parliament six thousand men; when Charles thought of carrying the war into Lancashire, & of marching to its assistance. He was defeated, however, at Rowton-heath, near Chester; and, oppressed, with this new misfortune, he sent orders to its Governor to surrender it. Soon after, the decisive battle of Naseby was fought, & put an end to the hopes of the Royalists. The unfortunate Charles was never more to be in a condition to take the field: for some time, a fugitive, or a prisoner, he fell at length a sacrifice to the ambition of Cromwel. Great only in his death, he saw it approach without weakness, or ostentation.

While these scenes were acting, the earl of Derby & his family, remained with an anxious disquietude, in the Isle of Man. But the distresses, in which the sequestration of the estates of the Royal party had involved their families, having induced the Parliament to make an ordinance for their relief; the children of the Earl, under the protection of Sir Thomas Fairfax, came over into England, to lay claim in consequence of it to a fifth part of their father's possessions. After a year's solicitation their claim was granted; and they had permission to retire to Knowsley-house. The envy & malice, however, of the Earl's enemies were not yet exhausted. Birch & Bradshaw on the pretence, that

the Isle of Man had not been given up to the Parliament, made them prisoners, & treated them with a barbarous cruelty. This severe blow was embittered by the meanness of Fairfax, who thought, that he could not have a fitter opportunity to press the Earl to surrender his Principality. In this view, the liberty of his children was offered to him, with a considerable portion of his Estates. His reply was, 'That he felt strongly for the sufferings of his children; but that it was impossible he could ever think of redeeming them at the expence of his Loyalty'. They had languished eighteen months in confinement under the inhuman Birch; when Charles II. on advancing out of Scotland, having called the Earl of Derby to join him in Lancashire, they were removed to Chester.

It was also nearly about this period, that Commissary General Jreton[?] made offer to the Earl in the name of the Parliament, of all his possessions in England, on the condition, that he would give up his Island. His answer to this commander discovers particularly, the superiority of his mind. It is the best portrait that can be exhibited of him, & ought to descend to posterity, as a monument of his virtue & magnanimity. It was as follows:

'Sir,

I received your letter with indignation, & with scorn return you this answer; That I cannot but wonder, whence you should thus gather hopes of me, that I should prove like you treacherous to my sovereign; since you cannot but be sensible of the manifest candor of my former actings in his late Majesty's service; from which principles of loyalty I am no way departed. I scorn your proffers, I disdain your favours, I abhor your treason, And I am so far from delivering up this Isle to your advantage, that I will keep it to the utmost of my power to your destruction. Take this for your final answer, &

forbear any other solicitations; for if you trouble me with any more messages of this nature, I will burn the paper & hang the bearer. This is the immutable resolution & shall be undoubted practice of him, who accounts it his chiefest honour to be his Majesty's, most Loyal & obedient subject. Derby'.

Attached with such fervent zeal to the royal party, the Earl hastened from the Isle of Man, accompanied by three hundred gentlemen, to give conetenance & assistance to the heir of Charles I. But notwithstanding his extreme expedition, he met not with that prince in Lancashire. He was, however, received there by General Massey; who introduced him to many of the Presbyterian faction; assuring him, that they were cordially disposed to join him in the restoration. The Earl, addressing himself to them, declared, that he was ready to receive all those of their persuasion, who were inclined to join him, & that he would march them directly to the royal camp. But here, the rude folly of their Ministers, interposing, he was required to take the Covenant, & to dismiss from his person all the papists he had brought with him from his Principality. On these conditions alone, could the Presbyterian Gentlemen submit to be commanded by him. He told them, that he had not come to England to dispute, but to fight, and that as he allowed to every man a full latitude of thinking, he had a title to take that privilege to himself. The principles of reason have little influence over men, who are under the dominion of superstition or enthusiasm. The Earl contented himself with dispersing warrants in the chief towns of the country, requiring, that all persons who were disposed to serve under him in support of the royal cause, would testify their zeal by immediately repairing to him. His high reputation drew many royalists to his banner. At Preston, the place appointed for the rendervous, he found himself at the head of six hundred cavalry. With this party, he determined to oppose Colonel Lilburn, who with a body of eighteen hundred horse, & a foot

militia of Lancashire & Cheshire was advancing to give him battle. He gave orders to march to Wigan, where he was to wait in expectation of the enemy. The engagement, on the side of the royalists, was maintained for two hours with unexampled bravery. They killed seven hundred of the Parliamentary troops, before overpowered by numbers they were compelled to give way. The Earl, in this sharp encounter, received seven shots on his breastplate, thirteen cuts on the Bever over his steel cap, five or six wounds in his arms & shoulders; and had two horses killed under him. But notwithstanding these disadvantages, & the vigilance of the victors; he made his escape to the King at Worcester; where Cromwel came to attack that prince at the head of forty thousand men. The contest was unequal; the Earl conducted his sovereign from the field of battle; and, having lodged him in a place of safety turned towards Lancashire; but meeting unfortunately with a body of troops commanded by General Edge, he was forced, though not without the condition of quarter & honourable usage, to surrender himself, & his companions. The remonstrances, however, which Bradshaw, Rigby, & Birch, his inveterate persecutors, made to Cromwel, together with the sense, which that leader of the commonwealth entertained of his high importance, produced, contrary to the Laws of war & of justice, a commission, constituting a court to bring him to a trial; And his judges, in opposition to these, & to the masterly defence, which he made for himself⁵ condemned him to die, & consigned their own names to perpetual infamy.⁶ His sentence, that he might not have an

⁵ See Appendix N^o II. [not extant.]

⁶ This court-martial, as it was called, consisted of the following persons: Colonel Humphrey Mackworth, Major Milton; Colonels: Robert Duckenfield, Henry Bradshaw, Thomas Croxton, George Twisleton; Leit. Cols.; Henry Burkinhead, Simon Finch, Alexander Newton. Captains: James Shepford, Samuel Smith, John Downes, John Delves, John Griffith, Thomas Portington, Edward Alcock, Ralph Pownall, Richard Grantham, Edward Stelfax, Vincent Corbet.

opportunity to appeal to Parliament, ordered his execution within four days. But Lord Strange, impelled by every tie of affection & nature, flew to London, & procuring a petition in his behalf to be presented to the house by Mr. Lenttiel, the Speaker, Cromwel, & Branshaw on perceiving, that the majority of votes would go in favour of his Lordship, withdrew with a number of their party; and the remaining members being under forty, no question could be put. The Lord Strange, perfectly convinced, that it was in vain, to attempt farther to save the life of the Earl of Derby, returned to him, with the same expedition to give him this melancholy intelligence. The father embracing the son, thanked him for his attention & diligence, & prepared for death with that magnanimity, which had never once forsaken him, amidst the most difficult situations of his life. On the fifteenth of October, in the year sixteen hundred & fifty one, his head was severed from his body, & England was deprived of the most galant soldier, & the worthiest man it contained.

The tragical death of this nobleman, did not satisfy the persevering cruelty of his enemies. A commission was granted to Colonel Duchenfield & Birch, with the command of ten ships to reduce the Principality of Man; and having bribed Captain Christian, its pusillanimous Governor, they disembarked without opposition, took possession of it, & confined there as prisoners, the countess of Derby, & her children.

The restoration brought along with it less sanguinary times. Charles Lord Strange was invested in the Principality of Man; but recovered not the free possession of the English estates of his ancestors. Charles II. was too thoughtless to experience any fixed sentiment of gratitude, & too lavish in gratifying his private pleasures to exercise any acts of true generosity.

Charles Earl of Derby was succeeded by William, his son & heir; a man

of capacity, & remarkable for the politeness of his manners. The latter, surviving his son James Lord Strange, the Principality of Man descended to his brother James, then Brigadier Stanley; whose martial talents had attracted the notice of William III; and who enjoyed many high offices under that prince, under Queen Anne & George I. His death extinguished the earldom of Derby in the direct line.⁷ The most princely branch of the extensive fortunes of the Earl of Derby was now to descend to James, Duke of Athol; whose ancestor John Earl of Athol, & afterwards Marquis, had married Lady Emelia Stanley, third daughter of James Earl of Derby by the high spirited Charlotte de la Tremouille.

From James Duke of Athol, the Principality of Man, with his other possessions, devolved to the present Duke, & to his daughter the present Duchess, Charlotte baroness Strange. To the former, they derived their right, from the celebrated Sir John Stanley, not immediately under his grant, but under the Parliamentary charter.

⁷ It was this Lord Derby, who having occasion to rebuild his seat at Knowsley, caused the following Inscription to be cut out in marble in the front of it in memorial of the neglect & ingratitude of Charles II. James earl of Derby Lord of Man & the Isles, Grandson of James earl of Derby by Charlotte daughter of Claud Duke of Tremouille, who was beheaded at Bolton the fifteenth October 1651 for strenuously adhering to King Charles II, who refused a bill unanimously passed by both houses of Parliament for restoring to the family the estate which it had lost by his loyalty to him.

Chap. II.

A GENERAL DESCRIPTION OF THE ISLE OF MAN.

The Isle of Man, termed Monia by Caesar, Monaeda by Ptolemy, & Monabia by Pliny, is situated in the St. George's channel, between Great Britain & Ireland. It is about thirty miles in length; and, where it is widest, about fifteen miles in breadth. In its climate, it is rude & severe; but, in the sharpness of its air, the Inhabitants find a remedy against contagious distempers. It produces horses which are beautiful and well-shaped; but of a small stature, and, it has been said, that they are descended from some that were cast ashore from y^e wreck of the Spanish Armada. In general, it may be affirmed, that the cattle of the Island are of a slender make & want the distinguishing comeliness of their kind. It exhibits few inclosures, & its solitudes are not adorned with wood. It abounds with poultry; and the sea, with the rivers which intersect the country, afford fish in the utmost abundance. The soil raises wheat, barley, & rye; but not in such quantities, as to render unnecessary the importation of these articles. A high ridge of mountains stretches itself the whole length of the Island; and offers a most magnificent prospect to the eye of the beholder.

This Isle is rich in quarries of stone & of marble; and there appear in it frequent beds of a blue slate, which make excellent coverings for houses. No mines of coal have yet been discovered in it; but others have been found, which yield lead, copper, and iron.

The towns are six in number. Castle town, which is the Metropolis is

inhabited by the better sort of people. The Governor used to reside there; and it contained the courts of higher judicature. The castle, which is of great antiquity is of considerable strength, & is esteemed a model of architecture.

Peel or Pile – Town is so called from its garrison & castle. The latter is built of a very bright & durable stone, & on the top of a rock, which rises above the Sea to a stupendous height. It was here, that Elianor Cobham, Duchess of Gloucester.⁸ was confined on the absurd pretence of having plotted with conjurors against the Life of Henry VI. Of late it has served as a prison for offenders against the ecclesiastical Laws.

Douglas is the most populous town of the Island: it possesses the best market and commands the greatest trade. But its buildings are without convenience or elegance. Ramsey is chiefly conspicuous for the spaciousness of its harbours. Ballisalli⁹ has to boast of the fine river which runs through its New town, or Macguires, is pleasantly situated, & contains several neat & agreeable dwellings. These towns, with the contiguous country, are divided into seventeen parishes.¹⁰

The Inhabitants export black cattle, wool, linen, hides & tallow; but herrings are to be considered as the staple commodity of the Island. Of these they have been known to send to France & other countries, twenty thousand barrels in one year.

⁸ See editor's appendix.

⁹ Some writers call it Bally Sally, & others Balacuri.

¹⁰ Kirk Jarmyn; Kirk Patrick, Kirk Michael, Kirk Ballaugh, Kirk Jurby, Kirk Bride, Kirk Candras, Kirk Christlefare, Kirk Mahal; Kirk Lennon, Kirk Canton, Kirk Braddon, Kirk Maroan, Kirk Santon, Kirk Merlugh, Kirk Carbra, Kirk Christ-Russim.

The remains of Antiquity, which appear here, are Runic Inscriptions.¹¹ & sepulchral tumuli. It is rare, that any medals or coins are discovered. The Language of the Inhabitants is a dialect of Galic, with a mixture of Greek. Latin & Welsh.

The number of people in this island is computed at thirty thousand. They are courteous to strangers; and though they paid a profound respect to their princes, were tenacious of their ancient usages. To the poor they behave with an exemplary tenderness.¹² They are naturally chearful; and dance, angle, & shoot with the bow; but their chief amusement consists in the pleasures of the table, which they (indulge with an unbounded licentiousness. To the women they pay little attention; and in their want of gallantry, as well as in other circumstances characteristic of them, we perceive the imperfect state of their civilization). They are irascible, but not vindictive. Their weddings, christenings, & Funerals, are celebrated with a pomp, which is unknown on other occasions. They are more disposed to idleness than to labour. With gold & silver they are little acquainted: Pence & half-pence of a base metal¹³ constitute their money, which chiefly circulates among them. They are strangers, in general, to avarice & ambition; and know not those passions and actions, which so frequently lead to repentance & tear the heart. They believe in enchantments, & in the

¹¹ These, though extremely frequent, & though they may lead to some discoveries of importance, have not yet met with an inspection of sufficient knowledge to explain them.

¹² They have a proverb, which observes 'That the person who relieves the poor makes the Diety to laugh.

¹³ The impression and inscription of both are the same: one one side, three legs, commonly called the three legs of Man; with the words Quocumque gesseris stabit, which the Natives apply to the posture of the feet, being opposite to each word; but perhaps the true import of the inscription is, Carry it where you will it will not pass. On the other side the impression is a cap of Maintenance, with an Eagle & child, the crest of the family of Derby; and the Motto, sans changer; which the Manks men are inclined to transfer from the original meaning, which was to express the unshaken Loyalty of the house of Stanley. They would have it to imply their own steadfastness & constancy. There are writers who affirm, that it alludes to the intrinsic worthlessness of the coin.

influence of supernatural Beings; and are haunted, of consequence, with the most childish & idle fears. In their credulity¹⁴ the clergy have found a source of power; and they have employed it to fix them in a humiliating state of ignorance & superstition.

¹⁴ The following passage concerning y^e inhabitants of Man, from a writer, who had the best opportunities of information, may be here inserted with an evident propriety. 'I know not, Idolaters as they are of the Clergy, whether they would not be even refractory to them, were they to preach against the existence of Fairies, or even against their being commonly seen: for though the Priesthood are a kind of gods among them, yet still tradition is a greater god than they; and as they confidently assert that the first Inhabitants of their Island were Fairies, so do they maintain that these little people have still their residence among them: They call them the good People, & say they live in Wilds & forests, & on mountains, & shun all great cities because of the wickedness acted therein; all the houses are blessed where they visit, for they fly vice. A person would be thought imprudently prophane, who should suffer his family to go to bed without having first set a tub, or pail full of clean water, for these guests to bathe themselves in, which the Natives aver they constantly do, as soon as ever the eyes of the family are closed, wherever they vouchsafe to come. If any thing happen to be mislaid, & found again, in some place where it was not expected, they presently tell you a Fairy took it & returned it: If you chance to get a fall, & hurt yourself, a Fairy laid something in your way to throw you down, as a punishment for some sin you have committed'. See Farther Waldron's description of the isle of Man, the edition in floio p. 125. 126.

Chap. III.

THE GOVERNMENT, & CIVIL INSTITUTIONS OF THE ISLE OF MAN.

The isle of Man was a part of the crown, but not of the Realm of England. The prince was bound in homage, but in other respects was independent. His Jurisdiction extended over the people, & over the soil. He enjoyed the dominion & the profits of the Land, the shore, the Ports, & the seas, belonging to his Island. He was the sole partron of the Bishopric; he could punish or pardon malefactors; and he could hold Courts in his own name. He possessed the distribution of the civil, the criminal, the ecclesiastical and y^e naval justice. No appeal could lie from his determinations. The Kings of England could exercise no acts of authority in his territory. There their officers could form no courts; and there, the great mandatory writs were without force. He had the property of treasure trove, of waif, wreck, & royal fishes. He could coin money, levy impositions, & was invested with every mark of greatness, & with every prerogative of power.

In the cares & business of his station, he was assisted by officers, who acted under his commission, & were bound to attend to his emolument & advantage. The Governor represented his person, & resided constantly in the Island. He had authority to call a Tynwald or Parliament; & no Court could be constituted without his warrant. He was attentive, that the civil & military departments were properly discharged. There lay an appeal to him, & from him to the prince in all matters of right & of wrong. He swore Inquests; sustained the office of chancellor; and to interrupt or oppose him in the course of his

duty, was to incur the penalties of treason.¹⁵

The Receiver General or Treasurer had the charge of the Revenue¹⁶ and paid the salaries of the officers on the civil list. He was accountable, however, to the Comptroller of the household; who, gave authority to his payments & receipts; was auditor of the General accounts; acted as judge in all trials for life in the garrison; kept the rolls & records; & entered the pleas of the several courts.

The water-Bailiff was Judge of the Admiralty, & kept the Seal, on which were the arms of the isle of Man.

The Attorney-General prosecuted all offences against the Prince; had a right to sit in all courts, to observe, that no infringement should be made on his rights, & prerogatives; and it was a part of his office to plead the causes of orphans & widows.

These officers with the Bishop, ArchDeacon, & two Vicars-General, might be called as a Council, to deliberate with the Governor. They were Justices of the peace; and being considered as a part of the household of the Prince; a table was kept by him for their constant entertainment. Their powers subsisted during his pleasure, & expired with his life. The chief military officer, in the event of his death, took upon him the preservation of the peace of the Island; and governed with an absolute sway, till the civil power was re-established by new commissions from the succeeding lord. The two

¹⁵ The oath administered to him was somewhat singular. He was sworn to do justice between y^e Lord & his people, as uprightly 'as the staff'. (the ensign of his authority, then in his hand) 'now standeth', that it may be a constant monitor to him of the obligations he lies under.

¹⁶ See Appendix No. III. [not extant]

Daemsters were the temporal Judges, & decided both in cases of common-Law, & of life & death.¹⁷

The twenty-four keys, so called from their unlocking the difficulties of the Law, were properly the commons, or Representatives of the people. The Lord, Council, & Keys constituted the Legislature. In cases which were doubtful, & where it was difficult to discover the meaning of ancient Laws, the Keys assisted the Daemsters.

When a member or Representative died, was discharged on account of his age, or was degraded, as guilty of a crime, the remaining Keys presented two persons to the Prince, who making choice of one of them, he was immediately sworn into the order.

The Coroners were six in number, and corresponded to the six shendings or districts into which the Island was divided. Each was entrusted with the peace of his division; & exercised a similar jurisdiction with the Sheriffs in England.

Besides these officers, there were in every shending, as many Moars & Captains as there were parishes. The Moars were the Lord's Bailiffs for one year, & were answerable for all the rents in their respective territories. The Captains had the care of the Militia or Train bands.

The Tynwald Court¹⁸ was held on a hill near the middle of the Island, & in the open air. It was here, that all Laws were published after they had

¹⁷ Their oath was to the following purpose; 'You shall do justice between Man & Man, as equally as the Herring-bone lies between the two sides'.

¹⁸ It was so named from Tyng i.e. Forum Judiciale, 'a court of Justice', and Wald i.e. 'Fenced'.

been agreed to, by the Governor, Council, Daemsters, & twenty- four keys; & after they had received the sanction of the lord of the isle.

The Chancery Court was assembled once a month, or oftener, if the Governor thought it expedient. The officers of Council assisted here with their advice; and it was necessary, that the two Daemsters, on at least that one of them should be present in order to explain the Law, if any difficulties should occur.

In the Courts of Common Law called Shendings, which were of the Nature of the Hundred Courts or Courts-Lett & Baron, and in the Grand-Court, or Court of Goal Delivery, where all criminal matters were tried; the Governor acted as president. In the former, the business consisted chiefly of Presentiments of Offices, trials for the titles of lands & trespasses; which were debated in the language of the country. The Daemsters gave the charge, swore Juries, to whom they interpreted the Law, if required, & received all verdicts. In the Latter they passed sentence upon criminals, when found guilty.¹⁹

It falls also to be remarked, that no conveyance or Deed of inheritance, & no bargain of sale or mortgage could take effect, that had not been presented to the examination of & confirmed in the courts of common-Law.

¹⁹ In prosecutions for crimes, the witnesses had a very particular oath administered to them. The clerk having opened the book of the gospel, the witness laid his right hand upon it. The Clerk then said to him: "By this book of truth, by all the holy & sacred body of the church, by all the wonderful works & mighty miracles God almighty wrought in six days & seven nights, in Heaven above & earth beneath, you shall speak the truth, & say nothing that is false for love or fear, favour or affection, consanguinity or affinity, or any other consideration whatever; so may you be helped by the son of God, & by the contents of this book wherein your hand now lies'. The witness then kissed the book.

All Decrees or Judgements pronounced by the Governor & inferior officers were immediately put into execution by the Coroners; who in case of resistance, had authority to call the force of the Garrison to their aid.

In the transaction of business the inhabitants of this country were subject to little interruption; for, the men & women usually argued their own causes. It is only of late, that attornies have here forced themselves into employment.

The following legal usages are remarkable for their simplicity, & may be properly enumerated in this place.

1. In default of heirs male, the eldest daughter was intitled to the inheritance, to the prejudice of the other female descendents.

2. The wives, except in the northern parishes had a power to make their Wills, during the lives of their husbands, & to dispose of one half of all the goods, moveable, & immovable. In the Northern parishes, if the wife had children, she could only dispose of a third part of the common property.

3. When a tenant or Landholder fell into poverty, & was unable to discharge his rent & services, the Lord's Bailiffs were obliged to find a proper possessor to occupy his lands.

4. A child got before marriage could inherit, though the marriage followed not during several years; if the woman had submitted only to the embraces of the person with whom she had cohabited.

5. If a single woman prosecuted a single man, for rape, the ecclesiastical Judges impannelled a jury; and, if the jury found him guilty, he was returned to the temporal-courts; where, if his guilt also appeared, the

Daemster delivered to the woman, a rope, a sword, & a ring; and she had it in her choice to have him hanged, or beheaded, or to marry him.

6. If a man got a farmer's daughter with child, he was compelled to marry her, or to bestow on her such a portion as her father would have given her.

Chap. IV.

THE ECCLESIASTICAL CONSTITUTION OF THE ISLE OF MAN.

The Isle of Man was converted to Christianity about the same time with Ireland. But, in exchanging the superstition of the Druids for the lights of the Gospel, little advantage seems immediately to have accrued to its Inhabitants. The clergy were not satisfied with the exercise of a spiritual dominion; they usurped likewise a civil authority. The Bishops of Man were not ashamed, any more than the Dignified Ecclesiasties of other countries, to lay claim to, & to exert the privileges of Barons;²⁰ And, in their zeal to acquire power, they forgot the duties to which they were bound, as the Instructors of the people.

The Reformation, however, when it took place in this Island, which was some what later than in England, applied a powerful mitigation to the insolence of their dominion. It divested them of many sources of Jurisdiction; and it permitted the people to indulge with freedom & latitude in religious inquiry. For many years, accordingly, no Native has been known to have been infected with the errors of Popery; and, if we except a few of the people called Quakers, the Principality contains to dissenters of any denomination.

²⁰ The curious reader may see the sources of the temporal power of the Clergy in early times, investigated & explained with great freedom of remark in D^r. Stuart's dissertation on the Antiquity of the English Constitution.

The Bishops,²¹ even, at this day, can hold courts for his temporalities; and he is adorned, with this particular privilege, that if any of his tenants be guilty of a capital crime, & is to be tried for his life, his Steward may demand him from the Lord's bar, & try him in the Bishop's court by a jury of the Bishop's tenants. In the events too, of the conviction & punishment of offenders, their lands are forfeited for his use. The Bishop either acts by himself, in a judicial capacity, or officiates by his Vicars-General. These are two in number, & correspond with the North & South Divisions of the Island.

When the Bishopric became vacant by Resignation or death, the Prince could nominate a person to the succession, & present him to the King of England for his royal assent. He was then consecrated by the Archbishop of York, to whom he submitted as his Metropolitan.²²

The Arch Deacon in all inferior causes, possesses alternate Jurisdiction with the Bishop: And, he may hold his courts in his own person, or by his Official.

It is a general rule, that the Clergy be Natives; for, the English, being

²¹ It may be here proper to observe, that about the beginning of the eleventh Century, when the Norwegians had conquered the Western isles, the *Insulae Sodorenses*, so called from the bishopric of Sodor erected in one of them, viz. the isle of Sky, were united to Man; and from that time, the bishops of the united Sees were styled Sodor and Man, & sometimes Man & Insularum; and they had the arch bishop of Drontheim, (styled Nidorensis) for their Metropolitan. But when the island became connected with the crown of England, & had its own bishops again, they styled themselves variously, sometimes Bishops of Man only, sometimes Sodor & Man, & sometimes Sodor de Man; giving the name of Sodor to a little isle called by the Norwegians Holm, & by the Inhabitants Peel, in which stands the Cathedral. In these express words, in the Instrument yet extant, Thomas, earl of Derby, & Lord of Man, A.D. 1505, confirms to Hiam Kesketh, bishop of Sodor all the lands anciently belonging to the bishops of Man, viz. *Ecclesiam cathedralem Sancti Germmani in Holm, Sodor vel Pele vocatum, Ecclesiamque Sancti Patricis ibidem, et locum praesatum in quo praesat ecclesiae vitae sunt.* This cathedral was built by Simon, bishop of Sodor who died A.D. 1245.

²² The Dioceses of Man as well as that of Chester were annexed to the Metropolitan See of York by an act of Parliament of the thirty-third of Henry VIII. which was confirmed by an act in the eight year of James I. In more ancient times, the bishops of Man, when chosen by their princes, were confirmed by the Pope.

here partially understood, it is necessary, that they preach, & administer the sacraments in the Manck's language. The Livings, which are by no means inconsiderable, owe much to the Munificence of Charles Earl of Derby, & to the benefactions of Charles II.

The discipline of the church is here exerted with a rigorous severity. Without the rite of Confirmation, no man can enter into the state of marriage; and, offenders of every condition are obliged to submit to ecclesiastical censures. The refractory are imprisoned or excommunicated; and all christians are solemnly warned to have no communication with them. The penance as enjoined²³ were frequently humiliating & odious, and the Parties could not be relieved from them, till their pious & ghostly Pastors were pleased to entertain hopes of their repentance & reformation.

To preserve the continuance of this discipline, the Bishop calls once a year, as Convocation of his clergy: and he there enquires into the state of the church, observes that its dignity & power have been supported, & entreats the Institutions which are thought expedient for its security & advantage.

²³ For some offences, those chiefly against morality & the injunctions of the church, the penitent or Culprit is clothed in a sheet, & with other marks of contumely is brought before the Priest or Parson, when the congregation is assembled, & remains in a conspicuous place, till the Sermon is ended; after which, & a long exhortation, the congregation is desired to pray for him in a form prescribed for that purpose: And in this manner he is treated, till by his behaviour he expiates his delinquence. If Offenders, who have once submitted to this penance, should relapse into the same follies, they are not presently admitted to the same punishment. It is not lawful for them for some time to enter into the church: they must stand at the church-door, till the Pastor, or some safe person in whom he can confide, has discovered by their conversation, that they are in the road to reformation. By another branch of church discipline, they enjoin offenders purgation by their own oaths, & if they deem it necessary by the oaths of Compurgator of known reputation, where the crime is scandalous, the suspicion of it common & the proof insufficient. Nor is this [?] complained of as a grievance. For, if common Fame has injured any person, he has an opportunity of being restored to his good Name, if the court upon trial find not reason to refuse it: And a penalty is inflicted on those, who shall afterwards revive the scandal. If a man will not swear to his own innocence, or cannot prevail with others to believe him, it is presumed, that he ought to be treated as guilty.

Chap. V.

THE ANNEXATION OF THE ISLE OF MAN TO THE CROWN

This Island, which, in different ages, has been possessed by Kings, Statesmen, & soldiers, has altered its condition, & is no longer a Principality. The title, notwithstanding, by which it was held, was most extensive, & ample. It comprized all the Greater & Lesser Regalities; and, in the Preamble of the act, confirming the right of Power & Property to the Posterity of Sir John Stanley, the utmost anxiety is expressed, that no human accident or Convention might ever deprive them of an honour, which had been bestowed as the reward of the most accomplished merit. 'May the Principality remain in his name & blood as long as it shall please the Almighty God,' is the solemn wish of the King of England, while he meant to Guard from every violation, a Grant which the facility of temper, or the avidity of his successors, was about to infringe, & to destroy.

The most unlimited Conveyance, which it is possible, to make, received interpretation & validity from the exercise of the rights it conveyed. The Lords of Man have successively performed all the acts of Dominion & Power. They have appointed their own officers; Courts have been held, & processes excuted under their authority. The powers of justice & mercy have been exercised by them: Their mandate has led out criminals to the gibbet; and has pardoned offenders, when it was proper, that humanity should set bounds to the rigour of political Law. They have received the Revenue, arising from the Land; they have received the Customs, & the Duties on the Importation & Exportation of Commodities; they have received the profits of seizures; and,

they have exerted authority in the seas adjacent to the isle. They have stamped the money which circulated within their territories; and, it were in vain, to look for an Act of Jurisdiction which they have neglected to execute. A Parliamentary Charter, the exercise of the privileges it conferred, succession of inheritance, evidence of records, & the uniform testimony of history, gave a title to its Proprietors, the most clear & incontestible; Yet their island is no longer a Kingdom. By an exorbitant stretch of Power, it has lost its greatness; it is now only a spot in the Dominions of an extensive Empire.

An act passed in the seventh year of George I, appears to be the earliest infringement, which the Kings of England have been seduced to exercise against the Lords of Man. In the fate, however, of that act, we may even perceive the solidity of the rights of the Latter; and, we may learn, that statesmen, in their zeal for Projects, which they fancy to be wise, ought never to forget the veneration, due to the property of individuals. This Law might have as its object the improvement of the revenue of Great Britain; but, in so far, as it relates to the isle of Man, it discovers not the most distant traces of Legislative wisdom. It confounds the Principality with Jersey & Guernsey, & confesses by implication, that they stood on the same foundation. It directed All seizures to be prosecuted in any of his Majesty's courts of record at Westminster, on Land, Island, or territory, where the offences supposed, that his Majesty had courts, & jurisdiction in the Isle of Man. Conceived without preparation, it became necessarily ineffectual. It was never carried into execution; no officers of the customs ever minded the island; and neither the crown nor the East-India Company, for whose emolument the act was chiefly intended, ever ventured to institute an action under its powers. Government, on the point of doing injustice, hesitated; and, respecting privileges, which were guarded by the most honourable sanctions, receded with horror from a project,

of which the full execution was yet soon to cover it with disgrace.

In the twelfth year of the reign of the same Prince, another Law was passed, which had in view, the improvement of his Majesty's Revenues, customs, excise, & Island duties; and, by which, a general prohibition was enjoined against the importation of all commodities from the isle of Man into Great Britain or Ireland not of the proper growth, produce, or manufacture of the island. But, in this Law, though it was prejudicial in its nature, to the Lords of Man, a regard was paid to their rights. Their ports were not violated; their property was considered as sacred; and the jurisdiction of their courts was not invaded.

Against this act, however, the Farmers of the Duties & Customs of the island thought it their duty to remonstrate; and they were heard against it in the House of Commons. The subject was deliberately inquired into, & canvassed; and to prevent the detriment to commerce, which flowed, it was thought, from the immunities of the Lord of Man, the Commissioners of the treasury were authorised to treat with James Earl of Derby, and all persons, claiming under him or his ancestors, for the absolute purchase of their estates honours Regalities & interest in the Island. Administration, in its return to a better & more equitable temper, perceived, that without the payment of an equivalent, the rights of the earl must remain in force & unattacked.

The Negotiation entered into was not carried to a conclusion. The earl of Derby died; and, was succeeded by the late Duke of Athole, as heir general of James Lord Stanley.

The Duke, soon after his accession, was applied to, from the treasury; but, the procedure of Mr. Pelham & the Duke of Newcastle, as they

successively presided at that board, led to nothing decisive. Though reluctant to part with a patrimony so antient, & so valuable, the Duke yet consented, for the public accommodation, to pluck from his breast every prejudice in its favour. He treated with the most unlimited confidence; and, the two noble Personages, with whom he had to act, discovered a commendable candour & integrity. They declared, that No proposals should come from them, which they would not adjudge as Arbitrators [?]

In this condition the matter remained till the year, seventeen hundred & sixty four. The present Duke of Athole had, by this time, succeeded to the principality; and the Honourable Mr George Grenville, who was now at the head of the treasury, had resolved to signalize his administration by an acquisition of it to the Crown.

This minister without the possession of talents, had yet been seized with ambition; and, his birth & connections had raised him to a station, the duties of which he was unable to discharge. He was bustling, but not active: obstinate, not firm. He mistook cunning for policy, & flattery for address. He had a propensity for intrigue, but without views. He affected to prepare himself for action by study & meditation; but, destitute of real ability, he lost himself in minute details. The [tear in page] leading principles in affairs perpetually escaped him. What he knew, he knew clearly; but his knowledge was neither various, nor profound. With superficial observers his phlegmatic temperament passed for a solid understanding; his aversion from polite amusements for a genius for business. In an inferior department, he might have acted with some advantages; but, he was entirely out of place, when exalted to the highest office in the Kingdom. He might have watched with singular propriety over the lowliest precautions of civil polity; but the operations of government presented

objects too comprehensive & delicate for the narrowness of his capacity. The acts of his administration are lasting marks of the mediocrity of his character. Descended of noble blood, he yet knew no generosity of sentiment. His mind had become corrupted by completely dwelling on schemes of speculation & finance. The legality of the means he employed to insure the prosecution of the measures he had projected, never engaged his attention. He seemed incapable of even conceiving an idea, that was favourable to the liberty or the prosperity of his country; And, it can no more be affirmed that he had the qualities of a good man, than that he possessed the merits of an accomplished Politician.

With such dispositions it is no object of wonder, that Mr. Grenville disregarded the honourable maxims of Mr. Pelham, & the Duke of Newcastle; but, it cannot be thought of without regret, that the atrocity of his conduct should have sullied the glory of a Prince, remarkable for humanity & the most amiable accomplishments.

His impatience till the House of Commons should address the Crown, & know what proceedings had been carried on by the treasury, under the act of the twelfth of George I. was excessive. It produced an application for this purpose early in the year 1764. The Commissioners of the Treasury, by his Majesty's command, made their return to the House, informing it, that it appeared by their books, that though a treaty had been commenced for the purchase of the Isle of Man, no effectual steps had been taken in consequence of it.

A career, perfectly suited to the genius of Mr. Grenville, now opened itself. He calculated the prodigious increase, that would arise to the revenue from the annexation of this Principality to the Crown; and he hastened to

conclude a transaction, to the interruption of which, a man of honour, if he had chanced to have best seduced to engage in it, would industriously have sought for obstacles. The treasury²⁴ wrote to the Duke, informing him, 'That they were ready to treat with him for the purchase of the isle, or of such part of the Rights claimed by him in the island as it should be expedient to vest in the crown, for preventing the illicit trade carried on between the island & other parts of his Majesty's dominions; and, that they were ready to receive a proposal from him for that purpose, specifying what parts of his Grace's property, & rights of the island, he was disposed to sell, & the value he put upon them.

The Duke of Athole received their letter in Scotland, and by his answer²⁵ expressed, 'That his ideas with regard to the Sale of the island were the same with those of the late Duke, who always declared, that no temptation or gain could induce him to give up so antient & honourable a birthright; but that it was esteemed, upon full consideration, an important point for his Majesty's service, & for the good of the Public, he was willing to enter into a treaty for the disposal of it. That, as he had been but a few months in possession of the isle, & had never turned his thoughts towards a sale of it, it was impossible for him to fix upon what he should think an adequate price for a possession, so very considerable both for honour & profit; and, that, as he had never heard of any notion to purchase a part only, he did not understand what it was, & could therefore have no proposal to make; but would always be ready to receive with respect any proposal, which should come to him from

²⁴ 25 July 1764.

²⁵ 29 Aug.

their Lordships’.

This polite yet spirited reply ought to have made an impression on Mr. Grenville. But the unworthy are ever at war with the Noble. The treasury observed, in their rejoinder²⁶ ‘That not having an opportunity of informing themselves of the value of the Possession, they could not fix upon a price, which, as trustees for the Public, they should think themselves authorized to propose; but, that, as the late Duke, they were informed, had, on a former occasion, given a true & precise state of the Nature of the Possession, and of the revenue arising from it; they therefore, desired him, if he intended treating to transmit them, An Exact Rental of the revenue, specifying the several articles of which it consisted, with the annual amount of each: And with respect to any customs or impost duties which his Grace might receive, the several species of goods on which they were levied; the rates at which they were paid; and the annual amount of the duties arising from each species’.

It pleased their Lordships to add, ‘That they must know the Nature as well as value of every branch of the revenue of the island, before they could form any judgment of the price which ought to be paid for it, or could determine what Part of his Grace’s possession in the island, it would be necessary or expedient to purchase, in order to obtain the benefit for which such purchase was intended; and this was, what they meant, but the proposal in their former Letter, of purchasing only a part of his Grace’s property in the island’.

In these proceedings, we perceive a manliness & candour on the side

²⁶ 12 Sepr.

of the Duke; and the littleness of a captious mind on that of the minister. His grace returned no answer to this Letter; but full of a proper & natural anxiety for the honours of his House, he hastened to London, that he might be at hand to act in the Negociation. A Bill, in every respect insolent & atrocious²⁷ had appeared in parliament. In its nature it was calculated, to divest him of his possessions & dignities without an equivalent. It exhibited a contempt of every principle, that is just or honourable. It teemed with absurdities, & displayed a fullness of corruption, which never degraded, even in the most sanguinary times of Rome, the most degenerate of her statesmen, or the most ferocious of her tyrants.

The prevention of 'Smuggling' had, at different periods, been considered, & the extension of the revenue Laws of England to the isle of Man had appeared the only effectual expedient for this purpose. But, in this view, the exclusive privileges conferred by the Charter of the island, the Parliamentary confirmation of this charter, & the principles of natural justice loudly called for an adequate compensation. When in the twelfth year of George I. the rights of the Patent were read, they were immediately assented to. They might be prejudicial to the mother country; but, it appeared perfectly evident, that they could only be removed by an absolute purchase of the whole interest of the Lord. This was the resolution of the Committee of the house of Commons, that had anxiously inquired into the matter; and, the Act made to pursue & correspond with this resolution, mentions expressly, the purchase of 'all Regalities, Powers, Jurisdictions, Rights, Privileges, Duties, Customs,

²⁷ It is intituled, 'A Bill for more effectually preventing the mischiefs arising to the Revenue & commerce of Great Britain & Ireland, from the illicit & clandestine trade, to & from the isle of Man'.

Revenues, Profits, or other Advantages whatsoever, in, over, or about the island of Man, & its Dependencies.'

It agreed not, however, with the intentions of Mr. Grenville to attend to the spirit of this Law. His Bill, accordingly, takes no notice of it; and what is singular, it recites in its Preamble, the act of the seventh year of George I., & yet acknowledges it to have been an ineffectual Law. He builds his bill on a model, which he knew to be reprobated by Parliament; while an act founded on consitutional & Legal principles offered itself in vain to direct him.

By his deliberately adopting all the errors of that preposterous & rejected Law, & by his carrying them into execution, we may form a judgement of the integrity & virtue of this minister. He well knew, that the isle of Man was to be considered in a very different light from Guernsey & Jersey; and yet his Bill implies, that it stood on a similar foundation. He knew, that the Prerogatives, Regalities, & Jurisdictions of these islands had never been granted away by the crown. He knew, or he ought to have known, that in these Islands, the King appoints the Governor, & possesses the jurisdiction of the Admiralty-courts; that the civil Justice is superintended by the King & council; and, that where the action is in the King's name, he may make his suits in any of the courts of England.

In regard to the isle of Man, Mr. Grenville must have known that the Regalities & Powers which the King exercises over Guernsey & Jersey had been severed from the crown by the strongest voluntary & controvertable grants the rewards of distinguishd [sic] merit. As the Leige Lord, the King of England has a sovereign appellate jurisdiction in all causes; but his writs do not run in the island. He could evoke no suit from the jurisdiction of the Lord. No prerogative writ could be sent to, or returned from the Principality. To whom could it be

sent? And by whom could it be returned? A grant, sanctioned by the great seal of England could not be infringed by the Prerogative of its monarch. But, what the King of England could not have done, the Bill of this sanguine minister was calculated to do. It is an act of Resumption of the rights & privileges of the Duke of Athole. It invaded his property & his honours, & offered nothing to him in return.

The letter from the treasury desired particular accounts of the customs & revenues of the island; that a judgement might be formed of the compensation to be paid for them. But, no provision of this kind appeared in the Bill.

The parliamentary charter gave to the Lord the territories of the Ports & the Seas, the revenue, the customs, the duties, & the Admiralty in & over the whole island. But the Bill entered into his seas, his harbours, his rivers; and carried with it all the officers of customs & excise in England & Ireland to inspect, to search, & to make seizures. It ingrafted, at one stroke, the whole Penal Laws of Revenue in England on the isle of Man.

By giving Ports, Duties, & Customs to the Lord, the Parliamentary Charter gave the privileges of trade & commerce. But this Bill interrupted his communication with England, Ireland, & the Plantations, with France & Holland; and in relation to many articles, divided his island from the whole world. It subjected it to the Ban of Parliament, & to an interdiction from traffic.

By the charter the Lord was intitled to the jurisdiction of the island, & its Dependencies. But this Bill invaded his jurisdiction; and declared, that the merits of every insular seizure should be determined in a distant country, & by Laws unknown in the island.

The charter repeatedly affirmed, that all forfeitures would be the property of the Lord. But this Bill diverted the forfeitures into another channel. It adjudged that all seizures should be brought to the Ports of Britain & Ireland, & considered in the courts there; and that, the profits arising from them should not belong to the Lord, though they had been taken on his coasts, & in his harbours.

In the annals of no age or country, shall we find an example of so gross a violation of property, or of so illiberal an exertion of power. It is in direct opposition to every principle of policy or of justice that is entertained in cultivated times; & is of a nature to have shocked even the humanity & the feelings of the most barbarous nations. It was a deed of such enormous corruption, that it cannot be thought of without horror.

To give some colour of the pretence & apology for a conduct in the highest degree unworthy, Mr Grenville, had been careful to procure Reports from the Commissioners of the Customs of London, Edinburgh, & Dublin replete with the pernicious consequences of the 'smuggling trade', as carried on from the isle of Man. But, though this trade had been the very highest degree destructive to Great Britain & Ireland, it was no reason why the Duke of Athole should be deprived of his Regalities & Property without an equivalent. He had exercised no rights, beyond the extent of his grant.

The commissioners of the customs in these different quarters discovered all that partial zeal, & that which might have been expected from their dependence on government. To flatter their minister, they scrupled not to exceed the boundries of truth, & even the limits of common sense, & common decency.

Those of London, after having specified, with a high spirit of exaggeration, the importations into the isle of Man, which became the objects of a clandestine traffic to England, went so very far as to propose, 'that the officers in England & Scotland should visit & inspect the Isle of Man; and, that they should seize vessels & goods there as in England'. They might with equal justice, have proposed, that the Revenue officers, should have gone for seizures to the dominions of Spain, or of France.

The Report of the Commissioners at Edinburgh was still more extravagant. It represented, that they had considered the prejudices interior & exterior resulting to his Majesty's Revenue, from the commerce of the isle of Man; and that these amounted to no less a sum, annually, than three hundred & fifty thousand pounds sterling. It complained of the situation of the isle of Man, & its proximity to Great Britain. It lamented in the most pathetic strains, the impossibility of cruisers to keep the sea in the seasons, chosen by the smugglers for their illicit practices. It complained of the Solway Frith, & of the flat shores of Cumberland & Lancashire. It represented in the most melancholy terms the mutinous & rebellious state of the western coasts of Scotland; and the dangerous intercourse, its inhabitants kept up with the isle of Man. It was terrified at their formidable numbers, & their hostile appearance. It demanded a powerful body of light-horse to assist the officers of the Revenue. It even seemed to advise government to declare war against the isle of Man.²⁸

²⁸ It may here be remarked, that this ridiculous report was framed by a commissioner of the customs, who owed his advancement to George Grenville; and who, was so industrious to show his zeal in his service, that his conduct exhibited a degree of whim & activity, nearly bordering on frenzy. To gather & to communicate intelligence, he posted to & from the west coast, London & Edinburgh almost incredible expedition; and displayed the utmost rage of approbation for the views of that minister.

The Memorial of the Irish Commissioners was of a similar tendency; but was expressed in a language more guarded, & less outrageous.

That abuses & illicit practices had been carried on in the isle of Man, is a general position, which cannot be controverted; but it was never, even in the most distant manner insinuated, that the Duke of Athole had given countenance & encouragement to them. Since the accession of his Grace's family no new duty had been imposed, & not a single innovation had been introduced.

By what principle of reason then, & on what foundation, could this Nobleman be conceived as accountable for the increase of smuggling in his island? Was it equitable, that he should be responsible for the use, which other men had made of his property? Was it just that he should suffer for the inefficacy of those preposterous Laws, which the haste, & want of information of ministers had framed for the care of the Revenue? Was the situation of his island to be imputed to him as a crime? Did he fix it in that situation? Did he lay down the flat shores of Lancashire & Cumberland? Did he extend the Solway Frith? Did he infuse into the smuggler the spirit of adventure? Did he teach him to embark in winter & in storm? Did he give speed to the winds, that he might outsail the cutters? Was it the sinister arts of this Nobleman, that spread the seeds of mutiny & sedition in the west of Scotland? Was his island to bear all the weight of smuggling in England, Scotland, Ireland, America, Jersey, & Guernsey? Was it to bear the blame of all the negligence, timidity, & collusion of all the petty officers of the customs in all the parts of the Kingdom?

It were altogether idle, to seek for an argument, that carries with it, a favourable appearance for Mr Grenville. These Reports do not justify him. They

were merely to flatter his rage for finance. They rather add to his disgrace, & involve in his guilt that of the commissioners, who modelled them.

Condemned at the bar of equity & justice, he could in vain appeal to the principles of government, & to the practice that has obtained in similar cases in his own, or in other countries.

The great purpose, for which civil government is instituted, is the protection of Individuals in their persons & possessions. For the attainment of this security, they renounce a part of their natural rights. The King, or the Senate whom they have invested with authority, enact Laws for the regulation of property between contending parties; but cannot seize the property of a subject without his consent or permission. When such an infringement takes place, men return in some measure, to their first condition, the cement of their society is loosened: They dissolve the compact they had entered into; & delegate dominion to more equitable governors.

It may happen, indeed, that the necessities or convenience of the state may call for the Land of a Proprietor; and, in this case, it may be proper, that he be obliged to surrender it: But, to this exception, it is annexed as an inseparable condition, that he receive from y^e public a full compensation for his loss. All the great authorities in jurisprudence, were it necessary, might be cited to confirm this opinion. The learned Puffendorf, the penetrating Grotius, the immortal Montesquieu have thought in this manner.

Nor is this merely an abstract idea, that appears only in the books, & the investigations of these great men. It has been the practice of every nation where Laws have been respected, & where Liberty has been known. It has been the practice of princes, who even fancied themselves above all Law. It has appeared so sacred to tyrants, that they dared not to infringe it.

Henry VIII, will be allowed to have been a prince of a very different character from George III; but, notwithstanding the violence of his passions, & the plentitude of his power, he was afraid to endanger his throne, by an act so atrocious, as that, which has taken place under the administration of 'the most pacific of Princes'. Edward III. when prince of Wales had been created Duke of Cornwal, & all the possessions given him at that time, had been inseparably annexed to that Dutchy. Henry had been seized with a desire to have one of these possessions, which was conveniently situated near a hunting palace he frequented. An Act, accordingly, was passed to disannex it from the Dutchy, but by the same act, it was ordained, that three other manors should be given in full compensation of the acquisition. A recompence was granted more valuable than the resumption.

The case of the heritable Jurisdictions of Scotland approaches to our own times. These jurisdictions, as detrimental to the Public were abolished; but the proprietors received for them an ample equivalent. The Public paid one hundred & fifty thousand pounds, not for visible & corporeal inheritances like those of the Duke of Athol, but for pride, custom of living, trains of followers, & Highland-dress.

In France, the rights of the Individual are more exposed to infringement than in England; but, even, in that country, when Charles IX. was advised to take under his own direction, the island of Belleisle, he ordered an equivalent to be paid to the Proprietors. It is, also, perfectly well authenticated, that when the Duke de Sully found all the branches of the revenue overwhelmed with grants, ruinous to the public, he did not think it just, in the reformation he introduced, to disregard the claims of the Grantees. To these, he made a full compensation: He no more forgot his personal enemy the Duke

D'Epernan, than his friend, the Duke de Montmorency. Sully was a great master of Finance; and so it has been said, Mr. Grenville accounted himself. But let us not degrade the illustrious Frenchman by sinking him into a comparison with the English minister.

It appears, then, that, under every aspect, in which it can be considered, the conduct of Mr. Grenville is deserving of the severest censure & disapprobation. In a country, where the slave trembles under the lash of the Despot, it would have been accounted insolent & precipitate. In a country where known & fixed Laws restrain & set bounds to the sovereign authority, it could never have been expected. It insulted every thing, that is most sacred among mankind. It was injurious, not only to the Nobleman who suffered, but to every individual in the kingdom. As a precedent, it may lead to other encroachments, & to other crimes. From his success future ministers may be encouraged to feed the branches of the Prerogative, & radically to ravish from the people, every right they enjoy from nature, or which the blood of their fathers has purchased. In its consequences, it threatens the over throw of the constitution we so proudly boast of, & which, it required the efforts of so many ages to establish.

But did the minister, it may be asked, accomplish the point of enlarging the revenue, by carrying through the forms of the Legislature his inclement Bill; and by depriving the Duke of Athol, without a due compensation, of his honours & his property? By no means. The evils of smuggling, instead of being suppressed, have grown infinitely more formidable. The smugglers changed their seat, not their practices. Before he had sought for a remedy to these grievances, Mr Grenville ought to have inquired into the sources from whence they flowed. These, he would have found, to have been in a great

measure, the high taxes imposed by Government; and to their reduction, little more perhaps, was necessary than the abolition of pensions to men, who are loaded with wealth, or whose services never intitled them to a public recompence. A prospect, at the best, uncertain, in the event ineffectual, induced this unprincipled & mistaken politician to cover himself with the utmost extremity of reproach. History faithful to her charge of infamy, will transmit his character & his name to the detestation of the most distant posterity.

The Duke & Duchess of Athole petitioned the House of Commons against this exorbitant, this intemperate bill; yet the circumstances of their situation were not considered with temper, or without prejudice. The arts of the minister prevailed. The insignificant sum of seventy thousand pounds was adjudged as an equivalent for valuable estates, & for the honours of four centuries! Three hundred & fifty thousand pounds were, at that time, conceived to be acquired annually to the Public, by the resumption that was made; and yet government was not ashamed at the scanty pittance it allowed in return. The Duke, who had hitherto acted with deliberation & judgement, did not lose his composure, when he perceived, that the whole force of administration was employed against him. He submitted with dignity to what he could not prevent. He was divested, in consequence of illegal arts, of half his fortune, & of Prerogatives which no other subject could boast of; but no minister, however powerful, & well supported could deprive him of his magnanimity, & his serenity of temper. He had not degenerated from the virtue of his ancestors.

To many it will appear surprizing that in the present times, & it will certainly be accounted problematical by posterity, that an act so pregnant with

unmerited severity should have taken place without noise, & without exciting the public indignation. The affair of 'General Warranty,' the not returning Mr. Wilkes for Middlesex, the donation by the crown of the Duke of Portland's possessions to Sir James Lowther, & the Nullam tempus bill, were sounded through the Kingdom. Yet the depriving a Nobleman of the highest rank, of princely & honourable possessions & dignities, without a due compensation, & against his consent, was unnoticed & unattended to. On this head, it is a reproach to the age we live in, that it is satisfactory to remark that the Duke of Athole is a Scottish Nobleman. If the principality of Man had belonged to an English Peer, and Mr. Grenville had made a similar attack upon it, all the rage of a gallant & indignant people had been awakened. They would have revenged the blow that had been given to their Laws & to their Constitution. The flames of civil discord would again have been kindled; and the blood of another sovereign might have flowed to expiate their violated rights.

Appendix

It was pretended, that she had a waxen figure of Henry which she melted in a magical manner before a slow fire, with the intention of making his force & vigour waste away by the same insensible degrees. Her banishment served as a prelude to the murder of her husband.

It is not incurious to remark here, that Ferrars, an old English poet, in a work intituled 'The Mirour of Magistrates' puts the following not unpoetical stanzas into the mouth of this Lady, while in prison. He supposes, however, a degree of guilt in her & in her husband, which receives little support from history:

The isle of Man was the appointed place
To penance me for ever in Exile;
Thither, in haste, they poasted me apace,
And doubling scape they pin'd me in a pyle,
Close by myself; in care, alas, the while
There felt I first poor prisoners hungry fare,
Much want, things skant, & stone walls hard and ____ [?]
The chaunge was strange from the sylke & cloth of gold.
To rugged fryze, my carcass for to cloath;
From Prince's fare, & dainties hot & cold,
To rotten fish, & meates that one would loath:
The diet & dressing were much alike boath:
Bedding & lodging were all alike fine,
Such Down it was as served well for swyne.

Neither do mine own case thus complayne,
Which, I confesse, came partly by desert,
The only cause which doubleth all my payne,
And which most neer goeth now unto my hearte,
Is that my fault did finally revert,
To him that was least guilty of the same,
Whose death it was, though I abode the shame: Whose fatal fall
when I do call
to minde, And how, by me, his mischief first began;
So ofte I cry on fortune most unkinde,
And my mishap most utterly doe banne,
That ever I to such a nobleman,

Who from my crime was innocent & cleare,
Should be a cause to buy his love so deare.

Oh! to my heart how grevous is the wounde,
Calling to minde this dismal deadly case,
I would I had been dolven under ground
When hee first saw or looked on my face,
Or tooke delight in any kind of grace;
Seeming in me that him did stir or more,
To fancy me or set his heart to love.

Farewell Greenwich, my pallace of delight,
When I was wont to see the chrystall streames
Of royal Thames, most pleasaunt to my sight,
And farewell Kint right famous in all realses,
A thousand times I minde you in my dreames,
And when I wake most grieffe it is to mee
That never more agayne I shall you see'.

The insinuation, it is to be observed, in some of these verses, that Sir John Stanley, at that time Lord of Man, behaved with cruelty to this Duchess, is not to be credited. History, which has more authority than Rhyme, assures us, that she lived in this castle in every way befitting her dignity, & that nothing but liberty was refused her.

C H A R A C T E R
OF A CERTAIN
POPULAR HISTORIAN,
NOW MINISTERIAL AGENT, FOR RECONCILING OUR
COMPLAISANT CLERGY TO THE CHURCH OF ROME.
F R O M T H E
WRITINGS OF A CELEBRATED PHILOSOPHER,
N O W D E C E A S E D.

*Our Modern Jesuits, with Hypocrite Face,
Support POPISH MEASURES for PENSION or PLACE.*

DR R—— is not a man of Ability, but he has the affectation of it.—He has no Genius, but can boast of an ample portion of Taste.—He possesses not the acuteness that is necessary for Philosophy or Science, but he can assume a tone of importance, and support with art, a cautious and imposing formality. The Theatrical head of a College, he can affect all the erudition that he wants.—He is sensible of all his imperfections; and his care to conceal them, has produced these habits of Industry, which do him honour as an Historian, and those habits of Hypocrisy, which disgrace him as a Divine.—By the former, he is disposed to seek every help to advance his Writings; by the latter, he is induced to flatter men whom he hates, and to smile when he is not pleased*.—He is social, when he expects the pleasures of the Table; and friendly, when he can promote his own interest.—With equivocal Virtues, he has essential defects.—To oblige him, is to secure his detestation.—

THE Earl of B—te, who has loaded him with all the Offices he now enjoys, he postpones to the Duke of B—cc—h; and when the latter has conferred his favours, he will bow to another Idol. To his resentment, he fixes no bounds; yet he has not Magnanimity enough to be an open enemy.—He wounds secretly, and in the dark.

HE is fond of the reputation of Subtility, and he has obtained it.—Incapable of esteeming any body, and unworthy of being the object of esteem himself.—He gives flattery, and takes it.—The half-learned, who adore Literature, and fancy him something, form circles around him; in midst of which he sits gaping for applause, and swollen with vanity.—Yet he observes with regret the decline of his fame.—The admirers of Queen Mary, can see little in CHARLES the 5th, and still less in AMERICA.

EVERY effort he has made detracts from his merit; and the moment approaches, when the Public must confess he has survived his reputation.—His want of Zeal as a Clergyman, has hurt Religion in Scotland; and his want of Political Steadiness, is an Illustration of his Moral rectitude and Integrity.—The art of adapting his compositions to Women and Children, drew him out of obscurity; and the development of his Character and Capacity, is sending him back to it with a fatal precipitation.

* St. Luke chap. xxii. v. 8. Judas, betrayest thou the Son of Man with a Kiss?

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